Inspector's Report

ABP-318528-23

Development	10 year planning permission for the proposed 110kV AIS Single Bay Tail-Fed electricity substation (with 33kV customer compound) and associated grid connection and site works
Location	at Tincurry, Ballylough and Crory (Townlands), Co. Wexford. (www.tincurry110kvsubstation.ie)
Planning Authority	Wexford County Council
Applicant(s)	Lodgewood Solar Farm Limited
Type of Application	Application under the provisions of Section 182A of the Planning and Development Act, 2000, as amended
Prescribed Bodies	Department of Housing, Local Government and Heritage, Transport Infrastructure Ireland, Uisce Éireann.
Observer(s)	None
Date of Site Inspection	7th March 2024
Inspector	David Ryan

1.0 Introduction

1.1. An application under the provisions of S.182A of the Planning and Development Act 2000 (as amended), was received by the Board from Lodgewood Solar Farm Limited for the development of a 110kV AIS Single Bay Tail-Fed electricity substation (with 33kV customer compound) and associated grid connection and site works.

1.2. The proposed development would serve the consented but not built Tincurry solar farm at Ballycarney, Ballylough, Tincurry, Crory, Coolbaun, Lodgewood, Scarawalsh, Tombrackwood (Wexford County Council planning reg. ref. 20221309), and the consented but not built Ballylough solar farm at Ballylough, Coolbaun, Crory, Lodgewood, Tincurry, Scarawalsh (Wexford County Council reg. ref. 20231025) to the existing Lodgewood 220/110 kV substation.

1.3. Following a pre-application consultation for a 110kV AIS Single Bay Tail-Fed substation with associated grid connection to serve the proposed Tincurry Solar Farm, the Board determined (ABP-313676-22) that the proposed development falls within the scope of Section 182A of the Planning and Development Act, 2000 as amended and that the application must be made directly to the Board.

2.0 Site Location and Description

2.1. The 3.73 hectare site is in a rural area of County Wexford in the townlands of Tincurry, Ballylough and Crory, c.2.4km southwest of Ferns. The substation site is accessed from an entrance to the R772 to its southeast, which connects Ferns to Enniscorthy, which is located c.6km to the south of the site.

2.2. The proposed substation site comprises agricultural arable lands, hedgerows, sloping downwards to the south and west, with open agriculture lands bounding the site to the north, south and east. An area of forestry and Lodgewood stream bound the site to its west, with the existing Lodgewood 220kV Substation and the Crory 110kV Substation located to the west beyond. The proposed substation site is located to the north of part of the consented Tincurry solar farm site (Wexford County Council planning reg. ref. 20221309), with areas of the Tincurry and consented Ballylough (Wexford County Council reg. ref. 20231025) solar farms located to the south, east and west of the site. The wider area is agricultural and residential

development is in the form of one-off single dwellings with ribbon development along the local road network. A network of local roads connects the site with the N80 to the west, with the R772 and M11 located to the east. A rail line is also located to the east of the site.

2.3. The proposed substation site will be served by an access track running from southeast to northwest from the R772 through agricultural lands. The site of the access track crosses a watercourse at its midsection, with a number of dwellings neighbouring the access track at its southeastern area.

2.4. The River Bann is located c. 200 metres to the east of the site access, c.1300m from the substation, and forms part of the Slaney River Valley SAC.

3.0 **Proposed Development**

3.1. A 10 year permission is sought for the following:

- Proposed 110kV AIS Single Bay Tail-Fed electricity substation (with 33kV customer compound) (including two control buildings, 33kV/110kV transformer and associated structures and apparatus, lightning protection, perimeter security fencing, security lighting, telecoms pole, water and drainage infrastructure, temporary construction compound) to connect to and serve solar farm developments;
- Associated grid connection between the proposed substation and the existing Lodgewood 220/110kV substation comprising 110kV underground electricity cables of c.10 metres in length to be provided in an excavated trench including associated fibre cable and ducting, and all associated site development and reinstatement works;
- Temporary construction and operational access from the R772, vehicular entrance and access track (including 1 no. drain deck crossing) from this public road;
- all ancillary site development, landscaping and earth works.
- A Natura Impact Statement (NIS) has been prepared in respect of the proposed development

3.2. The 110kV substation will include two separate compounds, the 110kV Eirgrid compound will be in ownership of ESB Networks, (ii) the 33kV compound will be in customer ownership.

3.3. The substation will include the first phase of the underground 110kV cable grid connection to the existing 220kV/110kV Lodgewood Substation, with the proposed 110kV underground cable comprising 3 no. power ducts, 2 no. telecom ducts and 1 no. earth continuity duct. The total underground cable grid connection is c.273 metres in length, with permission being sought for c.10 metres and extends from the cable sealing to the outer perimeter fence within the substation. The second phase grid connection is c.263 metres in length and is subject to an agreement with EirGrid/ESBN at grid connection offer stage and will be the subject of a future application.

3.4. The site entrance is to be provided to the southeast of the proposed substation site and this access via the R772 was consented as part of reg. ref. 20221309. A 4.5 metre wide access track will extend c.2.2km from the entrance to the substation compound. The delivery of the substation transformer will require the access track to be temporarily widened when compared to the permitted design in reg. ref. 20221309.

3.5. Surface water and drainage works will include permeable access tracks and compound surfaces with a compound soakaway. The temporary construction compound will include parking for vehicles.

3.6. The following documents are submitted with the application:

- Application form
- Letter of consent
- Copies of notification letters
- Drawing plans
- Copies of public notices
- Cover letter
- Planning and Environmental Statement
- EIA Screening Statement

- Landscape and Visual Impact Assessment, Photomontages
- Site Access Report
- Site Specific Flood Risk Assessment
- Construction Methodology
- Noise Impact Analysis Report
- Archaeological, Architectural and Cultural Heritage Impact Assessment
- Ecological Impact Assessment including a Natura Impact Statement

4.0 **Planning History**

4.1. The relevant planning history is as follows:

- P.A. Reg. Ref. 20221309 - 5 year permission was granted in March 2023 for a solar farm with a total area of circa 108 hectares in the townlands of Ballycarney, Ballylough, Coolbaun, Crory, Lodgewood, Scarawalsh, Tincurry and Tombrackwood. The solar farm includes for 13 no. single storey energy storage modules and construction and operational access via entrances from the R745, R772 and L5130. The development would have an operational lifespan of 25 years as set out in Condition 3.

- P.A. Reg. Ref. 20231025 - 5 year permission was granted on 2nd January 2024 for a solar farm with a total area of circa 55 hectares in the townlands of Ballylough, Coolbaun, Crory, Lodgewood, Scarawalsh and Tincurry. The solar farm includes 5 no. single storey energy storage modules, and construction and operational access will be via. 5 no. entrances from R772 and L5130 (3 no. of which were permitted under Wexford County Council Planning Reference 20221309). The development would have an operational lifespan of 25 years as set out in Condition 3.

- ABP-313676-22 – A request was received by the Board for pre-application consultation for a 110kV Tail-Fed substation to connect into the existing 220/110kV Lodgewood substation to facilitate the proposed Tincurry Solar

Farm. The Board decided that the development falls within the scope of S.182A of the Planning and Development Act, 2000 (as amended).

4.2. Other permitted solar farms in the vicinity include:

- Reg. Ref. 20161097 5MW Solar farm on site of 9.66 ha permitted in 2016
- Reg. Ref. 20160594 5MW Solar farm on site of 12.94 ha permitted in 2016
- Reg. Ref. 20160595 5MW Solar farm on site of 10.84 ha permitted in 2016
- Reg. Ref. 20161231 Solar farm on site of 7.96 ha permitted in 2017

4.3. Solar farms to the southeast

- Solar farms permitted to the southeast include ABP 301329-18 & P.A reg. ref. 20180055, P.A reg ref. 20171127, P.A.reg. ref. 20171680, ABP 300427-17 & P.A Reg. Ref 20171275. ABP 316163-23 & P.A reg. ref. 20230009 includes for a pending solar farm application.

5.0 **Consultations**

5.1. Details of the application were circulated to the following prescribed bodies:

- Minister of Housing, Local Government and Heritage
- Commission for Regulation of Utilities, Water and Energy
- Transport Infrastructure Ireland
- An Chomhairle Ealaion
- An Taisce
- Failte Ireland
- Uisce Eireann
- Wexford County Council
- Inland Fisheries Ireland

- Health and Safety Authority
- Heritage Council

5.2. Responses were received from the Department of Housing, Local Government and Heritage, Uisce Eireann, Tansport Infrastructure Ireland. The submissions are summarised below.

6.0 Submissions

6.1. Department of Housing, Local Government and Heritage (Development Applications Unit)

6.2. In relation to archaeology, the Department recommends conditions be included in any grant of planning permission, including:

- engagement of a suitably qualified archaeologist to carry out an Archaeological Geophysical Survey under licence and report
- pre-development archaeological testing and the submission of Archaeological Impact Assessment Report
- a Construction Environment Management Plan (CEMP) taking into account archaeological/cultural heritage constraints in EIAR and investigations, and to include mitigation measures, and
- submission of archaeological report.

6.3. Uisce Eireann

- Has no infrastructure in the vicinity of proposed works and has no objection in principle to proposal
- Note where connections to public network required applicants are advised to complete a pre-connection enquiry process and have received confirmation of feasibility letter from Uisece Eireann ahead of planning application.
- Note Uisce Eireann will not accept new surface water discharges to combined sewer networks

- Note any proposals to build over/divert existing water or wastewater services shall be submitted to Uisce Eireann for written approval prior to works commencing

6.4. Transport Infrastructure Ireland

6.5. TII advices the national road network is managed by a combination of PPP Concessions, Motorway Maintenance and Renewal Contracts (MMaRC), local road authorities and there are a number of operational issues related to the proposal. TII recommends conditions be included in any grant of planning permission to address network maintenance and road safety, including:

- Consultation with PPP companies, MMaRC contractors, road authorities on construction haul and traffic routes. Proposed works to national road network to facilitate component delivery shall comply with TII publications and be subject to Road Safety Audit as appropriate. Works to ensure ongoing safety for road users and necessary licences, permits shall be in place.
- Any damage to pavement of national road due to turning movement of abnormal length loads shall be rectified in accordance with TII standards and details agreed prior to commencement.
- For abnormal weight loads, assessment of structures on national road network along haul route shall be undertaken to confirm accommodation of loading associated with delivery where weight exceeds that permissible under regulations. Requirement for weight permits.
- Mitigation measures identified by applicant to be included as conditions
- Requests referral of all proposals agreed between parties impacting on national roads

6.6. Applicant's response to submissions

6.7. The applicant has responded to the submissions from the Department of Housing, Local Government and Heritage, Uisce Eireann and TII. The applicant notes there are no objections to the proposed development in the submissions and submits that all matters raised in respect of construction stage traffic management and pre-construction archaeological investigations for the project can be dealt with by means of appropriately worded conditions.

7.0 Policy Context

7.1. National Level

7.1.1. The Climate Action and Low Carbon Development (Amendment) Act 2021 (Climate Act, 2021), commits Ireland to a legally binding 51% reduction in overall greenhouse gas emissions by 2030 and to achieving net zero emissions by 2050. As part of its functions the Board must, in so far as practicable, perform its functions in a manner that is consistent with the most recent approved climate action plan, most recent approved national long term climate action strategy, national adaptation framework, sectoral plans, furtherance of the national climate objective and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

7.1.2. The Climate Action Plan 2023 (CAP 23) follows the commitment in the Climate Act, 2021 and sets out the range of emissions reductions required for each sector to achieve the committed to targets. CAP 23 supports the acceleration of the delivery of renewable energy onto the national grid with a target of achieving 80% of electricity demand being met from renewable energy by 2030. To this end CAP 23 sets a target of providing 5GW of solar energy by 2025, and a longer-term target of 8GW by 2030.

7.1.3. The National Planning Framework (NPF) is a high-level strategic plan to shape the future growth and development of the country to 2040. It is focused on delivering 10 National Strategic Outcomes (NSOs). NSO 8 focuses on the 'Transition to a Low Carbon and Climate Resilient Society' and recognises the need to harness both on-shore and off-shore potential from energy sources including solar and deliver 40% of our electricity needs from renewable sources.

7.1.4. It is stated in the NPF that "new energy systems and transmission grids will be necessary for a more distributed, more renewables-focused energy generation system, harnessing both the considerable on-shore and off-shore potential from energy sources such as wind, wave and solar and connecting the richest sources of that energy". It is a National Policy Objective (NPO 55) to 'promote renewable

energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050'.

7.2. Regional Policy Context

7.2.1. Regional Spatial and Economic Strategy (RSES) for the Southern Region sets out a strategy to implement the NPF in the Southern Region.

7.2.2. The following Regional Policy Objectives are noted:

- RPO 100 – It is an objective to support the integration of indigenous renewable energy production and grid injection.
- RPO 219 - It is an objective to support the sustainable reinforcement and provision of new energy infrastructure by infrastructure providers (subject to appropriate environmental assessment and the planning process) to ensure the energy needs of future population and economic expansion within designated growth areas and across the Region can be delivered in a sustainable and timely manner and that capacity is available at local and regional scale to meet future needs.

7.3. Local Policy Context

7.3.1. The Wexford County Development Plan 2022-2028 is the operative plan.

7.3.2. The development plan supports renewable energy development. Chapter 9 Infrastructure Strategy sets out the following objectives:

- Objective PT02 - To support, subject to the objectives of this section and Volume 10 Energy Strategy, connecting infrastructure for the integration of low carbon and renewable energy generation projects including community scaled projects with power transmission infrastructure.

7.3.3. The site is located in 'Areas Open for Consideration for Solar Farms' in map 6 Volume 10 Energy Strategy.

- Objective ES01: To facilitate the development of solar PV developments in the area open for consideration as shown on Map 6 subject to the renewable

energy target set for the County, the proper planning and sustainable development of the area and the Development Management standards set out below.

7.3.4. Chapter 13 Heritage and Conservation sets out the following objective:

- Objective NH04 - To protect the integrity of sites designated for their habitat and species importance and prohibit development which would damage or threaten the integrity of these sites. Such sites include Special Areas of Conservation (SACs) and candidate SACs, Special Protection Areas (SPAs), Natural Heritage Areas (NHAs) and proposed NHAs, Nature Reserves, Refuges for Fauna and RAMSAR sites. To protect protected species wherever they occur.

7.3.5. Volume 7 Landscape Character outlines the site is located within the Landscape Character Unit 'Lowlands' which has a Landscape Sensitivity Rating of low to moderate.

7.4. Natural Heritage and European Designations

7.4.1. The nearest pNHA is the Clone Fox Covert c.0.7km to the southeast, with the pNHA Slaney River Valley c.2km to the southwest. The nearest designated European sites includes the Slaney River Valley SAC c.200m to the east of the site, the Wexford Harbour and Slobs SPA c. 8.8km south of the site, and the Blackstairs Mountains SAC c.12km to the west of the site.

8.0 EIA Screening

8.1. The EIA Screening Report prepared by HWP Planning (November 2023) outlines that the proposed development is not a project defined by Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, requiring a mandatory EIA. It is outlined given the recent statutory instrument, which relates to Class 1 *Agriculture, Silviculture and Aquaculture* (a) of Part 2 of Schedule 5, and due to the removal of hedgerow, the substation is potentially a project type that falls broadly within the scope for sub-threshold EIA. The EIA Screening report includes for a screening assessment based on the criteria outlined in Schedule 7 and

wherein it is concluded an EIAR is not warranted. The pre-application consultation determined that the proposed development did not fall within the scope of EIAR.

8.2. Schedule 5, Part 1 and Part 2 of the Planning and Development Regulations 2001, as amended, sets out the classes of development for the purposes of EIA.

- Section 20 of Part 1 provides that a mandatory EIAR is required for the 'Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres'.
- Section 3 (b) Part 2 provides that a mandatory EIAR is required for 'Industrial installations for carrying gas, steam and hot water with a potential heat output of 300 megawatts or more, or transmission of electrical energy by overhead cables not included in Part 1 of this Schedule, where the voltage would be 200 kilovolts or more'.

8.3. The proposed development of a 110kV AIS Single Bay Tail-Fed electricity substation with associated 110kV grid connection would not come within the class of development contained in Section 20 Part 1 or Section 3 (b) Part 2 of Schedule 5 (of the Planning and Development Regulations 2001, as amended) and therefore a mandatory EIA is not required for the proposed development.

8.4. Class 10 *Infrastructure Projects* of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended includes for *(dd) All private roads which would exceed 2000 metres in length.* Internal site access tracks of approx. 2.2km will serve the development. I consider that the proposed internal access tracks are not a 'private road' by virtue of these being used as internal access tracks which will serve the substation site and will terminate at this location. Compound concrete/asphalt roads of approx. 100 metres will serve the development and I consider these roads are not a 'private road' by virtue of these being used as internal enclosed roads which will serve the substation compounds only. In addition, access tracks will consist of permeable hardcore used occasionally once the substation is operational. It is therefore my opinion that the site access tracks and internal compound roads are not a 'private road' for the purposes of EIA screening.

8.5. I note Class 1 *Agriculture, Silviculture and Aquaculture* (a) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, which relates to

restructuring of rural landholdings and removal of field boundaries. This states the following:

(a) Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares.

8.6. These thresholds reflect those set out in Schedule 1, Part B of the 2011 EIA (Agriculture) Regulations. In addition Part A of Schedule 1 of the 2011 regulations sets out the following thresholds for screening for EIA:

Restructuring of rural land holdings	Screening Required
Length of field boundary to be removed	Above 500m
Re-contouring (within farm-holding)	Above 2 hectares
Area of lands to be restructured by removal of field boundaries	Above 5 Hectares

8.7. The proposed development includes for the very limited removal of hedgerow (not exceeding 24m in total) at four locations to facilitate internal service tracks and the site entrance, which is well below the threshold of 4 km as set out in the P&DR and significantly below the screening threshold set out in the 2011 EIA (Agriculture) Regulations.

8.8. It is noted that the consented Tincurry Solar Farm reg. ref. 20221309 included for this proposed removal of hedgerow which relates to access arrangements and does not relate to the enlargement of fields. No additional loss/loss of hedgerows will arise from the proposed development. Furthermore, having regard to the nature, scale and location of the proposed development, I do not consider that any issues arise in

relation to re-contouring of lands. I therefore do not consider that issues arise with this class of development.

8.9. *Form no.1 EIA Pre-Screening* and *Form no.3 EIA Screening Determination* which are appended conclude that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

9.0 Assessment

9.1. Having regard to the requirements of the Planning and Development Act 2000, as amended, the application details and documentation on file, submissions received, and relevant local/regional/national polices and guidance, I consider that the main issues in the planning assessment are as follows:

- Background and Procedural Matters
- Principle of development and planning policy
- Landscape and visual impact
- Biodiversity
- Flooding
- Archaeology and cultural heritage
- Noise
- Roads and Traffic
- Residential Amenity
- Other issues
- Appropriate Assessment

The following assessment is dealt with under these headings.

9.2. Background and Procedural Matters

9.2.1. The proposed development would serve to connect the consented but not built Tincurry solar farm (Wexford County Council planning reg. ref. 20221309), and the

consented but not built Ballylough solar farm (Wexford County Council reg. ref. 20231025) to the existing Lodgewood 220kV /110 kV substation.

9.2.2. Following a pre-application consultation in ABP-313676-22 which included for a 110kV Tail-Fed substation to connect into the existing 220/110kV Lodgewood substation to facilitate the proposed Tincurry Solar Farm, the Board decided that the development falls within the scope of Section 182A of the Planning and Development Act, 2000 as amended. An NIS was deemed required by the applicant as the proposed development site has hydrological connectivity with the Slaney River Valley SAC and Wexford Harbour and Slobs SPA.

9.2.3. In relation to the proposed developments connection methods, the applicant outlines the proposed substation will include the first phase of the underground 110kV cable grid connection to the existing 220kV/110kV Lodgewood substation, with permission being sought for c.10 metres of the cable grid connection. The total underground cable grid connection is c.273 metres in length, with the second phase of the grid connection being c.263 metres in length. The applicant states that the balance of the grid connection is subject to an agreement with EirGrid/ESBN at grid connection offer stage and that for this reason this will be the subject of a future application to An Bord Pleanala. The second phase of the grid connection is included in a number of reports submitted for completeness purposes in order to ensure a 'whole project' description is provided.

9.2.4. In relation to procedural matters, I note the proposed development at the planning application stage is not as per that indicated in the pre-application consultation stage. The pre-application consultation stage included for a 110kV grid connection between the proposed new 110kV substation and the existing Lodgewood 220/110kV substation. The subject application has made provision for part (phase 1- entailing 10 metres of a total grid connection of 273 metres) of the overall 110kV grid connection between the proposed new substation and the existing Lodgewood 220/110kV substation. While it is noted the second phase of the grid connection is subject to an agreement at grid connection offer stage, the separation of the SID grid connections into two distinct phases from the development which was indicated at pre-application consultation stage is not a standard approach to strategic infrastructure development.

9.2.5. It is potentially questionable whether a second application for the balance of the grid connection can be submitted on foot of the extant pre application (Ref 313676-22) or whether a new pre application would be required. The applicant has provided a rationale as to why the extent of application is as proposed.

9.2.6. I note there is no explicit requirement under Section 182A of the Planning and Development Act 2000, as amended, that development subject of an application matches that indicated in the pre application consultation and there is no clear basis that the application be invalidated on this basis. This is an issue to which the Board may wish to give consideration.

9.3. Principle of Development and Planning Policy

9.3.1. The proposed development comprises a 110kV AIS Single Bay Tail-Fed electricity substation, 110kV grid connection, associated structures and apparatus, which is required to connect 2 no. permitted solar farms to the national grid. The background to connection offers is outlined in section 10.2.3.

9.3.2. National Policy (including the NPF and Climate Action Plan 2023) include objectives to support proposals which aim to achieve a climate neutral economy. In line with EU ambition, the Programme for Government, Our Shared Future commits to achieving a 51% reduction in Ireland's overall GHG emissions from 2021 to 2030, and to achieving net-zero emissions no later than 2050. The National Planning Framework National Strategic Outcome (NSO) 8 focuses on the 'Transition to a Low Carbon and Climate Resilient Society' and includes National Policy Objective (NPO 55) to 'promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050', while the need for new energy systems and transmission grids are recognised.

9.3.3. At a regional level, the Regional Spatial and Economic Strategy (RSES) for the Southern Region, Policy Objectives RPO 100 and RPO 219 support the integration of indigenous renewable energy production and grid injection and the sustainable reinforcement and provision of new energy infrastructure by infrastructure providers. At a local level, the proposed development accords with the Wexford County Development Plan Objective PT02 which supports connecting infrastructure for the

integration of low carbon and renewable energy generation projects with power transmission infrastructure, and accords with Objective ES01 which seeks to facilitate the development of solar PV developments in the area open for consideration as shown on Map 6.

9.3.4. The site is located in a rural location on agricultural lands which is not covered by any specific land use zoning objective in the development plan. The principle of solar farms has been accepted under P.A.reg. ref. 20221309 and reg. ref. 20231025. It is my opinion that the principle of any development required to enable the permitted developments should therefore also be acceptable in principle subject to an assessment under any other relevant criteria, as set out below.

9.3.5. The proposed development on a site of 3.73 hectares comprises the following:

- Proposed 110kV AIS Single Bay Tail-Fed electricity substation (with 33kV customer compound) (including two control buildings (concrete block construct), 33kV/110kV transformer and associated structures and apparatus, lightning protection (18 m in height), perimeter security fencing (including 2.6 m high palisade fencing), security lighting, telecoms pole (20.7 m in height), water and drainage infrastructure, temporary construction compound) to connect to and serve solar farm developments;
- The 110kV substation will include two separate compounds, the 110kV Eirgrid compound will be in ESB Networks ownership, (ii) the 33kV compound will be in customer ownership. The Eirgrid control building entailing a control room, battery room, workshop/store, wc, mess room, generator room will measure 25m x 18m and 8.6m in height. The customer compound/IPP control building entailing control room, office, storeroom, switchgear room, mess room, wc, will measure 20.1 x 10.7 m and 6.9m in height. The gross floor area of works will be 666.4 sq m and the substation compound area will be 8,325 sq m.
- Associated grid connection between the proposed substation and the existing Lodgewood 220/110kV substation comprising 110kV underground electricity cables of c.10 metres in length to be provided in an excavated trench including associated fibre cable and ducting, and all associated site development and reinstatement works;

- Temporary construction and operational access from the R772, vehicular entrance and access track (including 1 no. drain deck crossing) from this public road;
- all ancillary site development, landscaping and earth works.

9.3.6. The site entrance is to be provided to the southeast of the proposed substation site and this access via the R772 was consented as part of reg. ref. 20221309. A 4.5 metre wide access track will extend c.2.2km from the entrance to the substation compound. The delivery of the substation transformer will require the access track to be temporarily widened for transformer delivery when compared to the permitted design in reg. ref. 20221309. The temporary access track extension will be removed and land reinstated following transformer delivery. The design will include one drain deck bridge crossing. This will be placed on pre-cast concrete foundations and beams which will be delivered to the site installation and involve no in-channel works.

9.3.7. Cutting and filling will be required to establish a level platform at the substation compound to 41.8 OD. A total of 4,480 m3 of soil will be removed and surplus soil will be disposed of offsite by means of Article 27 declaration regulations from the EPA or by means of transfer to a licensed waste disposal facility. Stone/crushed rock to ESBN specification will be imported. Surface water and drainage works will include permeable access tracks and compound surfaces with a compound soakaway. The temporary construction compound will include parking for vehicles, offices, stores.

9.3.8. Having regard to the nature and scale of the proposed development, the location of the site and the national, regional and local planning policy which supports the development of renewable energy, I consider the principle of the development to be acceptable. The proposed developments alignment with additional relevant development plan objectives is addressed in the following sections.

9.4. Landscape and Visual Impact

9.4.1. A Landscape and Visual Impact Assessment (LVIA) has been carried out by Macroworks, a landscape consultancy firm specialising in LVIA. The report assesses

the landscape and visual impacts of the proposed development on the receiving environment, identifying a 5km radius with a focus on receptors within 2km of the site. The study is supported by 9 photomontages taken from various receptor types within the study area. Photomontages include for existing views, and outlined views irrespective of screening. A notable feature of the proposed development includes for the utilisation of lightning protection masts 18m in height.

9.4.2. The site is located within the 'Lowlands' Landscape Character Unit in the Wexford County Development Plan 2022-2028 which has a Landscape Sensitivity Rating of low to moderate. These landscapes entailing gently undulating lands are outlined as 'more robust landscapes which are tolerant to change and have the ability to accommodate development without significant adverse impacts on the character of the landscape'. It is outlined the 'upper reaches of the lowlands have a Moderate sensitivity. Moderate sensitivity landscapes can accommodate development but with limitations in scale and magnitude'. To the west and north of the site is an 'Uplands' Landscape Character Unit which has a Landscape Sensitivity Rating of high, with 'River Valleys' Landscape Character Unit located to the east, south and west of the site, which has a Landscape Sensitivity Rating of moderate to high. The Wexford County Development Plan 2022-2028 does not designate specific routes but notes that scenic routes may fall into a number of categories including routes through valleys, landscapes, trails and might include certain views.

9.4.3. In relation to visual impacts, the LVIA outlines the significance from viewpoints would be imperceptible. The LVIA outlines the magnitude of landscape impact from the substation with the two consented solar farms is Medium-Low within a distance of 1km, with the remainder of the 5km radius study area likely to experience low-negligible landscape impacts. It is outlined the significance of landscape impacts will range from moderate-slight to slight-imperceptible. I note the LVIA outlines mitigation and restoration measures will include for new hedgerows to the eastern boundary of the substation site with planting also proposed to the north and south of the substation site as part of the consented Tincurry Solar Farm. The LVIA outlines it is not considered there will be any significant cumulative effects arising from the proposed development with other consented solar farms and concludes the proposed substation is not considered to give rise to any significant residual impacts.

9.4.4. The main component of the proposed development that could have a visual impact is the substation compound development, with the cable route being underground within agricultural lands and therefore will not have any visual impact following reinstatement, and access tracks resembling standard agricultural farm passages/tracks. It is noted the submitted ZTV as indicated in the LVIA indicates the most notable area of theoretical visibility will be concentrated in the immediate surrounds of the substation site, with limited potential for theoretical visibility from the R772 and N80. Following an inspection of the site, the surrounding area and an examination of the information submitted including the visual aids, I consider the receiving environment has the capacity to accommodate and absorb the proposed scheme at this location from a visual and landscape perspective.

9.4.5. Having regard to the topography and location of the substation site, its partial enclosure and screening by woodland, hedgerows and trees, the scale and height of the proposed development, the extensive network of hedgerows and treelines adjacent the surrounding road network, the very significant separation distances to residential development and the intervening vegetative screening and topography between the site and the various receptors, I consider that the proposed scheme would not result in an adverse impact on the visual amenities of the area. It is considered that the mitigation as outlined including additional planting would serve to further enclose the proposed scheme visually. While views of the scheme would arise on the road network in the immediate and wider area, these would be intermittent, and it is considered would not result in an adverse visual impact. Given the nature of the site and existing screening, it is considered that any visual impacts arising would range from slight to imperceptible. With the proposed development sited within a 'Lowlands' Landscape Character Unit, it is considered that the characteristics of the scheme and its outlined site context would not adversely impact on this Landscape Character Unit or its landscape setting.

9.4.6. Having regard to the scale and nature of the scheme, site and landscape context and the demonstration of the visual and landscape effects in the LVIA and associated documentation, I consider the proposed development would not likely result in any adverse visual impact on the landscape or on the visual amenities of the area, subject to the application of the outlined mitigation measures.

9.5. **Biodiversity**

9.5.1. An Ecological Impact Assessment Report prepared by Ecology Ireland accompanies the application. A Natura Impact Statement (NIS) was submitted with the application and this is considered in Section 11.

9.5.2. Habitat surveys with Fossitt codes were undertaken with habitats on the site including arable crops, wet grassland, hedgerows, hedgerows/treelines, buildings and artificial surfaces, depositing/lowland river, drainage ditches, the majority of which are of local (low to high value) importance. It is outlined there will be a removal of c.6 metres of hedgerow at the permitted site entrance to improve sightlines, and the delivery of the substation transformer will require the access track to be temporarily widened when compared with the permitted design in reg. ref. 20221309 which will be reinstated after delivery. 136 metres of new native hedge will be planted east of the substation which was permitted in reg. ref.20221309 and a drain deck crossing is proposed at one location. It is stated that hedgerow replacement and enhancement measures will result in a net gain of hedgerow and woodland habitat within the developed solar farm, which is predicted to produce a positive effect on habitats and flora over the operational lifetime of the project. It is submitted in Section 4.2 of the Ecological Impact Assessment the underground grid connection between the site and the Lodgewood 220kV/110kV substation will include for horizontal directional drilling under a watercourse and tree felling which are proposed to be subject to a separate consent process. The methodology for this connection is set out in the Construction Methodology.

9.5.3. Mitigation is set out in Section 5 of the Ecological Impact Assessment and will include for the establishment of riparian buffers, silt fencing, the application of environmental controls in accordance with a Construction Methodology and a landscaping plan. With the implementation of the outlined mitigation measures, I consider there would be no likely significant effects on habitats or flora of the site.

Birds

9.5.4. Bird surveys carried out outline most species recorded include farmland and woodland birds. A red listed species Yellowhammer was recorded in the wider area. Hedgerows and treelines will be upgraded and impacts on breeding birds will be avoided by mitigation including for vegetation removal taking place in the period outside the bird breeding season. It is outlined effects on birds are considered to be

slight positive. Having regard to the bird species and habitats recorded onsite which can be found in such rural locations and the abundance of suitable habitat in the area, I consider that any short term displacement possibly occurring during construction would not lead to any long-term impacts on bird species. I consider that impacts on birds are unlikely, subject to the application of the proposed mitigation measures during the construction phase.

Bats

9.5.5. In relation to bat species, it is outlined that the removal of woody cover could displace bats or interrupt foraging or commuting routes, however little removal of woody vegetation is required within the site. It is outlined impacts on roosting bats can be avoided by mitigation, including for vegetation removal in the period from late August to late October/November, and no significant impacts on roosting bats are therefore expected. The substation will not be lit at night. It is outlined the increase in hedgerow vegetation is likely to result in an increase in foraging /commuting habitats for bats and potential effects on bats are considered slight positive. As the hedgerow habitats are to be retained aside from breakages totalling 24m throughout the site, and with increased hedgerow planting proposed, I consider that impacts on bats are unlikely, subject to the application of the proposed mitigation measures during the construction phase.

Otter, Badgers

9.5.6. No badger setts were recorded in surveys for Tincurry or Ballylough Solar Farms in 2022, 2023, which included the substation site. Otter spraints were recorded at locations on the River Bann and Slaney and was also recorded on three occasions along the Lodgewood Stream. No breeding sites (badger setts, otter holts) were recorded on or adjacent to the substation site and no significant impacts on fauna are expected as a result of the proposed development. Mitigation measures will include the use of escape boards in excavations, security fencing, and in event fauna are found using the site for breeding during construction, works will cease until advice is sought from an ecologist. Having regard to the nature of the site and the significant retention of the linear features onsite, I consider that impacts on badgers are unlikely, subject to the application of proposed mitigation measures during the construction phase. Having regard to the surface water protection mitigation

measures set out in the Construction Methodology, I consider the proposed development would not affect otter by way of disturbance or water quality.

Aquatic Species

9.5.7. The report outlines aquatic species could potentially be affected at construction stage by earthworks, runoff from access roads, dewatering and pouring of foundations, chemical spillage and dry deck crossing. Potential impacts on species at operational stage include surface water runoff. Mitigation measures will include for a surface water management system with integrated silt management and flow attenuation management, and the use of buffer zones and silt fencing. Having regard to the surface water management system and surface water protection mitigation measures set out in the Construction Methodology, I consider the proposed development would not affect aquatic species by way of water quality.

9.5.8. In relation to cumulative effects, the Ecological Impact Assessment has considered programme scenarios in relation to the buildout of the Tincurry Solar Farm, the Tincurry 110kV substation and the Ballylough Solar Farm. It is outlined environmental and mitigation controls in the CEMP and ECIA for both solar farm projects will be effective in ensuring any potential cumulative pressures on aquatic habitats and species arising from runoff during construction are minimised. I agree with this assessment.

Conclusion on Biodiversity Matters

9.5.9. Mitigation measures are set out in Section 5 of the EcIA. An Ecological Clerk of Works (ECoW) will be appointed for the duration of the project. I note that the construction works are temporary in nature and the site and immediate local area entails agricultural lands, with established substations located to the west of the site. Having regard to the existing baseline, the EcIA report submitted and the mitigation measures as set out, I am satisfied that the mitigation measures are capable of being successfully implemented. This is a relatively common construction project of relatively limited construction phase duration and I do not consider that the proposed development would have an undue adverse impact on the biodiversity of the site or area.

9.6. **Flooding**

9.6.1. A Site Specific Flood Risk Assessment has been prepared by IE Consulting. The assessment has been undertaken having regard to The Planning System and Flood Risk Management – Guidelines for Planning Authorities. The FRA outlines the site is not at risk of pluvial or ground water flood risk and the majority of the site falls within Flood Zone C. The OPW PFRA mapping shows a minor area of the proposed access track development falls within indicative fluvial flood zones 'A' and 'B' associated with the Lodgewood Stream, and is within an indicative strategic fluvial flood zone as outlined in the Strategic Flood Risk Map in the Wexford County Development Plan 2022-2028. The report outlines the access track is considered to be a water compatible development and there is no history of flooding recorded in the location of the proposed development site. The report outlines the proposed substation site is located c.200m north of the indicative 1% AEP (1 in 100 year) and 0.1% AEP (1 in 1000 year) fluvial flood extents and therefore the fluvial flood risk to the proposed development is considered to be low.

9.6.2. It is outlined a proposed watercourse crossing along the access track is likely to be overtopped in the event of extreme flooding and this would not impede the flow or pose a flood risk to the site/surrounding area. There will also be some shared infrastructure related to site entrances, access roads, deck crossing etc which have been permitted as part of the Tincurry Solar Farm (reg. ref. 20221309). Drainage measures will be installed for the construction phase and design measures will include the substation compound and access tracks using permeable materials. Details outline the proposed solar farm development will not result in an increased flood risk and there will be no cumulative impacts. The report concludes the proposed development is not predicted to result in an adverse impact to the hydrological regime of the area or increase flood risk elsewhere.

9.6.3. Having regard to the majority of the site location being within Flood Zone C, that no highly vulnerable development is proposed within the fluvial flood extents and that the access track and watercourse structure would not impact flow paths or pose a flood risk, the proposed development is considered appropriate from a flood risk perspective. I am satisfied that sufficient detail has been provided and consider that the risk of flood risk to the proposed development is low nor will it increase the risk of flooding elsewhere.

9.7. **Archaeology and cultural heritage**

9.7.1. An Archaeological, Architectural and Cultural Heritage Impact Assessment was prepared by Rubicon Heritage, which was informed by a desktop survey and field inspection.

9.7.2. There are no recorded monuments within the site, with 1 protected structure which is on the NIAH (Farmhouse/Tincurrey Cottage 15701528/WCC1096) c.0.8km to the west of the site, and 1 SMR (sites and monuments record, Redundant record WX015-009) c.0.6km to the east of the substation site. The assessment outlines there will be no direct impact on any cultural heritage site, either physically or visually, and mitigation measures including for a programme of geophysical survey and pre-development targeted testing to be agreed with the National Monument Service are outlined, similar to that which applied to Tincurry Solar Farm reg. ref. 20221309.

9.7.3. I note the submission of the Department of Housing, Local Government and Heritage, Development Applications Unit, which recommends conditions be included in any grant of permission, including the engagement of a suitably qualified archaeologist to carry out an Archaeological Geophysical Survey under licence and report, pre-development archaeological testing and the submission of an Archaeological Impact Assessment Report, a Construction Environment Management Plan (CEMP) taking into account archaeological/cultural heritage constraints in the EIAR and investigations, and to include mitigation measures, and the submission of archaeological report. While an Archaeological, Architectural and Cultural Heritage Impact Assessment is submitted, I note an EIAR has not been submitted for the proposed scheme.

9.7.4. The proposed development will not impact on any recorded archaeological monuments and structures of architectural heritage interest. Any potential for impacts on unknown archaeological monuments or features would be removed subject to the implementation of mitigation measures and compliance with conditions. I note condition 7 of reg. ref. 20221309 which made provision for a geophysical survey and archaeological testing. I am satisfied, subject to appropriate conditions, that the proposed development is satisfactory from an archaeological, architectural and cultural heritage perspective and that no significant adverse effects are likely to arise.

9.8. **Noise**

9.8.1. A noise impact analysis report prepared by DKP Environmental is included. The report includes for a cumulative noise assessment for the 110kV substation and the Tincurry and Ballylough Solar Farms. A background noise survey was undertaken in August 2022. 14 Noise Sensitive Locations (NSLs) were identified and assessed and these include dwellings.

9.8.2. The noise assessment outlines at construction phase, with the substation construction site being at least 500m from NSLs and solar panel and access road groundworks generally in excess of 100m away from NSLs, using BS 5228-1:2009+A1 2014 (Code of practice for noise and vibration control on construction and open sites) results of calculations shows that construction plant and vehicles would be in the region of 50db LAeq and below the maximum allowable day time ambient levels of 65-70db LAeq. I note that two NSLs are located within 100m of access road groundworks and these are within the lands under landowner control. Construction phase effects are deemed short term with no noticeable change on the noise environment in the longer term. While no mitigation measures are set out for the construction phase, reductive measures include preparation of a construction phase operational plan with regard to limiting noise levels and ensuring all construction vehicles and plant are regularly maintained.

9.8.3. Having regard to the nature and scale of the proposed development, the low density of residential development in the area, separation distances between the site and neighbouring dwellings and the relatively limited construction duration, I do not consider that significant adverse effects by way of noise are likely to arise on the amenities of the area during the construction phase, subject to the reductive measures set out in the noise report and the implementation of a final CEMP.

9.8.4. In relation to operational noise, the report outlines that noise levels at the facades of NSLs are below the maximum day time recommended noise levels of 55dB and night time levels of 45dB as per the emission limit values specified by the EPA, WHO and BS8233 (Sound Insulation and noise reduction for buildings). The report outlines as the substation and solar farms will comply with the noise levels as set out in guidance, no noise mitigation measures are warranted for this stage. I do not consider that significant effects by way of noise are likely to arise during the

operational phase, however, I consider a condition limiting operational noise be included, should the Board be minded to grant permission.

9.9. **Roads and traffic**

9.9.1. A Site Access Report prepared by CSEA outlines there will be 2 construction scenarios for the proposed development and permitted solar farm developments. Scenario 1 involves Ballylough solar farm being constructed after Tincurry solar farm and the proposed development, with scenario 2 involving Ballylough being constructed concurrent to Tincurry solar farm and the proposed development. Scenario 2 is considered in the report as it is stated to be the worst case construction phase traffic scenario and I consider this assessment of the more significant scenario appropriate. The report includes for site access considerations, details on construction programme, traffic and management measures, drainage, mitigation.

9.9.2. The report outlines construction for the proposed development and two solar farms will take place over 12 months, with a temporary compound entailing parking space for light and heavy vehicles. At construction stage the average number of return trips will be 18, with peak return trips to the site being 32 per day. Construction traffic will access the site via the N25, N11, M11, N30 and R772. Site access will be via an access that was authorised as part of the permitted Tincurry Solar Farm development L.A reg. ref.20221309.

9.9.3. The proposed development delivery route and entrance have been subject to swept path analysis and include for an analysis of abnormal loads including transformer delivery, with vehicles being able to access/egress the site without the need for any roadworks. Measures will be put in place including for abnormal load delivery consistent with standard abnormal load convoys for wind farm projects, a route plan, risk assessment and a transport management plan to be agreed with WCC and will include for engagement with MMaRC Contractor. Traffic management measures will include for a stop/go system, road signage, utilisation of a booking system for deliveries, pavement condition survey. Operational traffic generated over the lifetime of the development will be limited to 2-4 trips per month.

9.9.4. In conclusion, the Site Access Report outlines with existing conditions, construction phase mitigation and a net reduction in traffic volumes over the project lifetime, the

proposed development and Tincurry and Ballylough solar farms will not pose any significant residual traffic/transportation risk.

9.9.5. I note the submission from Transport Infrastructure Ireland who recommend conditions be included in any grant of planning permission to address network maintenance and road safety, which include a requirement for consultation on construction haul and traffic routes; that works to national roads comply with TII publications and being subject to Road Safety Audit, as appropriate, with permits in place; the rectifying of any damage to national road due to the turning movement of abnormal length loads; an assessment of structures on network for abnormal weight loads and requirement for weight permits; and the applicants outlined mitigation measures to be included as conditions and requests referral of all proposals agreed between parties impacting on national roads.

9.9.6. I note that terms of permission for L.A. reg. ref.20221309 included for standard conditions relating to sightlines and drainage measures. Details submitted outline the proposed development site can be accessed by vehicles and loads without difficulty and without the need for any roadworks. Having regard to the application documentation, my site inspection and the temporary nature of the construction phase, I am satisfied that any negative traffic and amenity impacts arising as a result of the construction phase of the proposed development can be dealt with by way of implementation of a Construction Traffic Management Plan (CTMP). I consider this can be addressed by way of condition, should the Board be minded to grant permission.

9.10. Residential Amenity

9.10.1. The site is located within a large agricultural holdings with the site of the proposed substation c.730 metres from the nearest residential dwelling. I note that no third party observations have been submitted in respect of the proposed development.

9.10.2. A Construction Methodology has been submitted which outlines the construction period for the development will take 12 months.

9.10.3. Having regard to the separation distance between the proposed development and existing residential development, the temporary nature of the construction phase, and my assessment in relation to issues of noise, visual impacts and traffic, I do not consider that significant impacts on residential amenity are likely to occur during the

construction phase. However, given the proposed development is connected to two consented solar farm developments, should the Board be minded to grant permission, I consider that a construction environmental management plan should be prepared, prior to the commencement of development works on the site and should be required as a condition of any planning permission.

9.10.4. In relation to the operational phase, having regard to separation distances, the low density of residential development and the assessment of issues, I consider that no significant adverse impacts on residential amenity during the operational stage are likely to arise.

9.11. Other Issues

9.11.1. **Drainage -** The Planning and Environmental Statement outlines a SuDs approach is proposed for surface water drainage. The proposed access track and compound construction will be permeable materials, with the compound site thus copying a soakaway scenario. Areas to be drained includes roofs and bunded plinths, and assuming the most basic of infiltration rates down through the permeable compound stone, it is outlined the existing greenfield situation is easily maintained. Surface water from a bunded area will discharge to a soakaway via a Class 1 full retention oil separator. A 5 m3 foul holding tank is proposed in relation to wastewater for the operational development, which will be emptied periodically. Potable water demand will be addressed by way of a bored well with demand for water low as the substation will be unmanned. Visits to the substation will relate to inspections, maintenance and repairs as necessary.

9.11.2. Uisce Eireann outline it has no infrastructure in the vicinity of the proposed works and has no objection in principle to the proposal. Uisce Eireann notes where connections to a public network is sought a pre-connection enquiry process is completed, that it will not accept new surface water discharges to combined sewer networks, and that any proposals to build over/divert existing water/wastewater services is be submitted for written approval prior to works commencing.

9.11.3. The nearest watercourses are the Lodgewood Stream located to the west adjacent the substation site, with Tincurry Stream being traversed by the access track onsite. These connect to the River Bann to the east of the site.

9.11.4. Having regard to the nature and scale of the proposed development, the surface water drainage system as outlined and the limited employee attendance to occur onsite over the lifetime of the development, I consider the proposed onsite servicing provisions are appropriate and standard for developments of this type.

9.11.5. **Other Planned Works -** In relation to the connection methods, the applicant outlines the proposed substation will include the first phase of the underground 110kV cable grid connection to the existing 220kV/110kV Lodgewood substation, with permission being sought for c.10 metres of the cable grid connection. The total underground cable grid connection is c.273 metres in length, with the second phase of the grid connection being c.263 metres in length, and subject to an agreement with EirGrid/ESBN at grid connection offer stage and a future application to An Bord Pleanala. The second phase of the grid connection is referenced and included in a number of reports submitted for completeness purposes in order to ensure a 'whole project' description and assessment is undertaken.

9.11.6. Details outline the second phase grid connection is between the perimeter fence of the substation and a proposed new cable bay within the existing Lodgewood 220kV/110kV substation. This is expected to include horizontal directional drilling under a watercourse and a trenched section which would require tree felling and a felling license. The new cable bay would be required to complete the connection. It is outlined this second phase is indicative and will be informed by comprehensive environmental assessment including cumulative assessment with existing permissions at application stage. The methodology for this connection is set out in the Construction Methodology. The underground cable trench connection methodology for greenfield and forestry areas will include for a trench excavation 1.3m depth. Horizontal directional drill methodology will involve a 700 mm diameter bore and the excavation of entry and exit pits.

9.11.7. **Duration of Permission and Decommissioning -** The applicant is seeking a ten year permission. While this would not be consistent with the duration of the permitted solar farms which have 5 year permissions, the proposed grid connection as outlined forms a first phase of a connection to the grid. The second phase grid connection is subject to an agreement with Eirgrid/ESBN at grid connection offer stage and will be the subject of a future application. Having regard to the nature of the development

and proposed phases of grid connection as outlined, I consider the duration of permission sought is appropriate, should the Board be minded to grant permission.

9.11.8. The permitted solar farms have an operational lifetime of 25 years, after which the site is to be reinstated in accordance with a decommissioning plan, unless planning has been granted for a further period. The developer is required to lodge deposits with the Planning Authority to ensure the satisfactory restoration of the site. While the proposed substation development will serve the consented solar farms, it will comprise a transmission asset and therefore I do not consider it necessary to limit the lifetime of the proposed substation to the lifetime of the solar farms. Therefore, I consider decommissioning and reinstatement conditions are not warranted.

10.0 Appropriate Assessment

10.1. Introduction

10.1.1. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000, as amended), are considered fully in this section.

10.2. Screening for Appropriate Assessment - Test of likely significant effects

10.2.1. The proposed development is not directly connected with or necessary to the management of any European site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

10.2.2. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

10.3. Description of Development

10.3.1. The proposed development is described in Sections 3 and 10 of this report, Section 2 of the NIS and in other accompanying documentation including the Planning and Environmental Statement and the Ecological Impact Assessment. The proposed development is seeking a 10 year permission for a 110kV AIS Single Bay Tail-Fed electricity substation, associated grid connection and temporary construction and

operational access from the R772. The proposed development would serve to connect the consented but not built Tincurry solar farm (Wexford County Council planning reg. ref. 20221309), and the consented but not built Ballylough solar farm (Wexford County Council reg. ref. 20231025) to the existing Lodgewood 220/110 kV substation.

10.3.2. The proposed development will consist of a 110kV AIS Single Bay Tail-Fed electricity substation (with 33kV customer compound) (including two control buildings (concrete block construct), 33kV/110kV transformer and associated structures and apparatus, lightning protection, perimeter security fencing, security lighting, telecoms pole, water and drainage infrastructure, temporary construction compound) to connect to and serve solar farm developments; Associated grid connection between the proposed substation and the existing Lodgewood 220/110kV substation comprising 110kV underground electricity cables of c.10 metres in length to be provided in an excavated trench including associated fibre cable and ducting, and all associated site development and reinstatement works; Temporary construction and operational access from the R772, vehicular entrance and access track (including 1 no. drain deck crossing) from this public road. The deck design will involve it being placed on pre-cast concrete foundations and beams which will be delivered to the site installation and involve no in-channel works.

10.3.3. In relation to the connection methods, the applicant outlines the proposed substation will include the first phase of the underground 110kV cable grid connection to the existing 220kV/110kV Lodgewood Substation, with permission being sought for c.10 metres of the cable grid connection. The total underground cable grid connection is c.273 metres in length, with the second phase of the grid connection being c.263 metres in length, and is subject to an agreement with EirGrid/ESBN at grid connection offer stage and this will be the subject of a future application to An Bord Pleanala. The second phase of the grid connection is excluded from the proposed development which is the subject of this application, however it is included in the NIS for completeness purposes in order to ensure a ‘whole project’ description is provided.

10.3.4. Details outline the second phase grid connection is between the perimeter fence of the substation and a proposed new cable bay within the existing Lodgewood 220kV/110kV Substation. This will include for cable trenching and is expected to

include horizontal directional drilling under a watercourse. It is outlined this second phase is indicative and will be informed by comprehensive environmental assessment including cumulative assessment with existing permissions at application stage. The methodology for this connection is set out in the AA Screening Report and the Construction Methodology. The underground cable trench connection construction methodology for greenfield and forestry areas will include for a cable trench 0.82 metres wide and 1.3m deep and tree felling. The trench will be backfilled following the laying of the cable. The cable stream crossing via horizontal directional drilling will involve the excavation of entry and exit pits and a 700 mm diameter bore hole. A drill bit will be used to bore a path under the stream. Once the first pilot hole is completed a hole-opener/back reamer will be fitted in the exit pit and will pull a drill pipe back through the bore to the entry side. When all bore holes are completed, a towing assembly will be set up on the drill and this will pull the ducting into the bore. The bore hole will be filled following the laying of ducts. A cable bay would be constructed within the existing substation to complete the connection. Figure 1 of the Construction Methodology details an indicative 110kV grid connection route, Figure 7 details a typical horizontal directional drill water crossing, with Figure 8 detailing the proposed horizontal directional drill location.

10.3.5. Cut and fill would be required to facilitate the substation development. It is envisaged the construction phase will total 12 months.

10.3.6. It is noted that the Tincurry and Ballylough solar farm developments permitted under reg. ref. 20221309 and reg. ref. 20231025 were subject to Appropriate Assessment (Stage 2).

10.3.7. A Screening for Appropriate Assessment is included as part of the NIS, prepared by Ecology Ireland dated November 2023. The screening report was prepared in accordance with best practice and provides a description of the proposed development, identifies European Sites within a zone of influence, and assesses the potential for likely significant effects.

10.3.8. Field based surveys including a habitat survey and aquatic survey have been undertaken to inform the AA Screening report and NIS. Information forming part of an overall ecological assessment for the site was used to inform the assessment of potential adverse effects on species and habitats. Habitats on the proposed site

included arable crops, wet grassland/scrub, buildings and artificial surfaces, hedgerow, treeline. The Screening Report outlines the site is drained by watercourses to the Slaney River Valley SAC which is located c. 200m to the east of the site encompassing a stretch of the River Bann. The site is also hydrologically connected to the Wexford Harbour and Slobs SPA which is located c.12.3km downstream. The screening report can be read in conjunction with the Planning and Environmental Statement and the Ecological Impact Assessment which accompany the planning application.

10.3.9. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction related -uncontrolled surface water/silt/ construction related pollution
- Habitat loss/ fragmentation
- Habitat disturbance /species disturbance (construction and or operational)
- In combination effects with other projects

10.4. **Submissions and Observations**

10.4.1. I note that no observation or submission has been received from any prescribed body or third party that relates to impacts on a European site.

10.5. **European Sites**

10.5.1. The development site is not located in or immediately adjacent to a European site. The closest European site is the Slaney River Valley SAC, within 0.2km of the proposed development, with the Wexford Harbour and Slobs SPA c.8.8km from the site.

10.5.2. I have set out a summary of European Sites that occur within 15km/within a possible zone of influence of the proposed development which is presented in the table below. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

10.5.3. Table 1.1. Summary Table of European Sites within a possible zone of influence of the proposed development

European site (SAC/SPA) and distance from proposed development	Qualifying Interests QI / Special conservation interests (SCI)	Conservation Objective	Connections/source/pathways	Considered further in screening. y/n
Slaney River Valley SAC (000781) 0.2km over land c.0.8km downstream	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096]	To maintain or restore the favourable conservation condition	Hydrological connection exists between site and SAC. Site is connected to SAC by the Lodgewood and Tincurry Streams which are tributaries of the River Bann, which are within or within close proximity to the site.	y

European site (SAC/SPA) and distance from proposed development	Qualifying Interests QI / Special conservation interests (SCI)	Conservation Objective	Connections/source/pathways	Considered further in screening. y/n
	Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Phoca vitulina (Harbour Seal) [1365]			
Wexford Harbour and Slobs SPA (004076) c.8.8km over land c.12.3km downstream	Little Grebe (Tachybaptus ruficollis) [A004] Great Crested Grebe (Podiceps cristatus) [A005] Cormorant (Phalacrocorax carbo) [A017] Grey Heron (Ardea cinerea) [A028] Bewick's Swan (Cygnus columbianus bewickii) [A037] Whooper Swan (Cygnus cygnus) [A038] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048]	To maintain the favourable conservation condition	Hydrological connection exists between site and SPA. Site is connected to SPA by the Lodgewood and Tincurry Streams which are tributaries of the River Bann, which are within or within close proximity to the site. Potential ornithological connection exists.	y

European site (SAC/SPA) and distance from proposed development	Qualifying Interests QI / Special conservation interests (SCI)	Conservation Objective	Connections/source/pathways	Considered further in screening. y/n
	Wigeon (Anas penelope) [A050] Teal (Anas crecca) [A052] Mallard (Anas platyrhynchos) [A053] Pintail (Anas acuta) [A054] Scaup (Aythya marila) [A062] Goldeneye (Bucephala clangula) [A067] Red-breasted Merganser (Mergus serrator) [A069] Hen Harrier (Circus cyaneus) [A082] Coot (Fulica atra) [A125] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Lapwing (Vanellus vanellus) [A142] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149]			

European site (SAC/SPA) and distance from proposed development	Qualifying Interests QI / Special conservation interests (SCI)	Conservation Objective	Connections/source/pathways	Considered further in screening. y/n
	Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Black-headed Gull (Chroicocephalus ridibundus) [A179] Lesser Black-backed Gull (Larus fuscus) [A183] Little Tern (Sterna albifrons) [A195] Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] Wetland and Waterbirds [A999]			
Blackstairs Mountains SAC (000770) c.12km over land	Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030]	To maintain the favourable conservation condition	The proposed development site is located downstream and c.12km from the upland SAC. Therefore the project can have no effect on the upstream SAC.	n

European site (SAC/SPA) and distance from proposed development	Qualifying Interests QI / Special conservation interests (SCI)	Conservation Objective	Connections/source/pathways	Considered further in screening. y/n
River Barrow and River Nore SAC (002162) c.15.7km over land	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] European dry heaths [4030] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Petrifying springs with tufa formation (Cratoneurion) [7220] Old sessile oak woods with Ilex and	To maintain or restore the favourable conservation condition	Given the distance and hydrological separation from the SAC there is no likelihood of significant effects to arise on this site	n

European site (SAC/SPA) and distance from proposed development	Qualifying Interests QI / Special conservation interests (SCI)	Conservation Objective	Connections/source/pathways	Considered further in screening. y/n
	Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Austropotamobius pallipes (White-clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Trichomanes speciosum (Killarney Fern) [1421]			

European site (SAC/SPA) and distance from proposed development	Qualifying Interests QI / Special conservation interests (SCI)	Conservation Objective	Connections/source/pathways	Considered further in screening. y/n
	Margaritifera durrovensis (Nore Pearl Mussel) [1990]			
The Raven SPA (004019) c.22km over land c.40km Downstream	Red-throated Diver (Gavia stellata) [A001] Cormorant (Phalacrocorax carbo) [A017] Common Scoter (Melanitta nigra) [A065] Grey Plover (Pluvialis squatarola) [A141] Sanderling (Calidris alba) [A144] Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] Wetland and Waterbirds [A999]	To maintain the favourable conservation condition	Hydrological connection exists between site and SPA. Given the nature and scale of the proposed development, the separation distance of the proposed development from this site, the length of the hydrological link, the dilution and dispersion action of watercourses and waterbodies, the potential for significant effects on this site to arise from the proposed development is unlikely.	n

10.5.4. In establishing the zone of influence, I have had regard to the nature, scale and location of the proposed development, the separation distances to Natura 2000 Sites, the source-pathways-receptor model and likely direct, indirect and in-combination effects. A number of the designated sites as set out in Table 1.1 above can be screened out from further assessment because of the nature and scale of the proposed works, their separation distances from the proposed development site, the lack of a substantive hydrological linkage between the proposed works and the European sites, that dilution and dispersion of any potential pollutants in watercourses would occur, and the lack of suitable habitat for qualifying interests

within the subject site. Having regard to the details set out in table 1.1 and the source-pathway-receptor model, I consider that there are 2 European Sites within the zone of influence which have a potential for hydrological/ ecological linkage to the proposed development.

- **Slaney River Valley SAC (000781), Wexford Harbour and Slobs SPA (004076)**

10.5.5. As outlined in Table 1.1, a hydrological connection exists between the proposed development site and the Slaney River Valley SAC (000781) and the Wexford Harbour and Slobs SPA (004076) and the AA Screening report outlines in the absence of mitigation measures to control surface water pollution, siltation, nutrient release and/or contamination during construction, the potential for likely significant effects to the SAC and SPA cannot be ruled out and therefore a Stage 2 NIS (AA) is required. I note aquatic systems and the species /habitats which are dependent on these systems are sensitive to pollution/contamination of surface waters.

- **Other European Sites identified for further consideration in Table 1.1**

10.5.6. The possibility of significant effects on remaining European Sites listed in table 1.1 has been excluded on the basis of objective information. No direct habitat loss will occur within a European Site given the distance of the site from these sites. The proposed development site is located downstream of the upland **Blackstairs Mountains SAC (000770)** and is situated over 12km from the SAC. Given this separation distance and the lack of hydrological connectivity, the potential for significant effects to arise on this site can be ruled out. Disturbance impacts on the SAC can be ruled out as its conservation objectives relate to habitats and not fauna. The **River Barrow and River Nore SAC (002162)** is located c.15.7km from the site. Given the distance and hydrological separation of the proposed development from the SAC there is no likelihood of significant effects to arise on this site.

10.5.7. The European sites as set out **Blackstairs Mountains SAC (site code 000770), River Barrow and River Nore SAC (site code 002162)**, can be screened out from further assessment because of the nature and scale of the proposed works, their separation distances from the proposed development site, and the lack of any substantive hydrological linkage between the proposed works and these European

sites. It is therefore considered that the potential for significant effects on these sites to arise from the proposed development are unlikely.

10.5.8. **The Raven SPA (004019)** can be screened out from further assessment because of the nature and scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive linkage between the proposed works and the European site. I consider that the hydrological pathway from the source to the SPA which is via streams and rivers at a significant distance of approx. 40km (nearest point is 22km), is weak given the separation distance and that dilution and dispersion of any potential pollutants in watercourses would occur. I therefore consider that the proposed development would not be likely to have a significant effect on the SPA. It is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on **European Site No. 004019 (The Raven SPA)** in view of the sites conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for this site.

- **Grid Connections**

10.5.9. It is noted the proposed substation is intended to be connected to the grid by way of 2 phases of underground 110kV grid connection. Phase 1 and the initial 10 meters of the 273 metre grid connection route which is the subject of this application is considered in the AA screening report. An indicative alignment for the Phase 2 underground 110kV grid connection route of 263 metres between the proposed SID development site and the existing Lodgewood 220/110kV Substation has been detailed in Figure 2-1 of the AA Screening Report and appears to follow the indicative cable route outlined in ABP 313676-22. As outlined in Section 11.3.4 the methodology for this connection is set out in the AA Screening Report and the Construction Methodology. While this phase 2 grid connection will be the subject of a separate consent procedure, it is included in the AA Screening Report and NIS for completeness purposes in order to ensure a ‘whole project’ description is provided. Regard is also had to permitted development in the site vicinity.

10.5.10. Following the screening process, it has been determined that Appropriate Assessment is required, as it cannot be excluded on the basis of objective information that the proposed development individually or in-combination with other plans or projects will not have a significant effect on the European Sites **Slaney River Valley SAC (000781),** and the **Wexford Harbour and Slobs SPA (004076).**

10.6. Mitigation Measures

10.6.1. This screening determination is not reliant on any measures intended to avoid or reduce potential harmful effects of the project on a European Site.

10.7. Appropriate Assessment Screening Determination

10.7.1. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on European Sites **Slaney River Valley SAC (000781),** and the **Wexford Harbour and Slobs SPA (004076),** in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore required.

10.8. Appropriate Assessment

10.8.1. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive

- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity of the European site

10.9. **Compliance with Article 6(3) of the EU Habitats Directive**

10.9.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

10.9.2. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

10.10. **Screening Determination**

10.10.1. Refer to AA screening above. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on European Sites Slaney River Valley SAC (000781), and the Wexford Harbour and Slobs SPA (004076), in view of the site's Conservation Objectives. An Appropriate Assessment (and submission of a NIS) is therefore required.

10.11. **The Natura Impact Statement (NIS)**

10.11.1. The application is accompanied by an NIS which describes the proposed development, the project site and area, European Sites within the zone of influence, includes an assessment of potential impacts, an in-combination assessment,

mitigation and a conclusion. There are 2 stages to the project and I am satisfied that adequate information on the whole project has been included.

10.11.2. Having carried out Screening for Appropriate Assessment of the project, it has been determined that likely significant effects from the project individually (or in combination with other plans or projects) on European Sites Slaney River Valley SAC (000781), and the Wexford Harbour and Slobs SPA (004076), cannot be excluded and Appropriate Assessment is therefore required.

10.11.3. The NIS submitted and prepared by Ecology Ireland dated November 2023 was informed by desktop and site surveys, ecological assessments, and a search of the Wexford County Council planning portal. Section 4.1 includes an assessment of potential impacts of the proposed development on the European Site. Details of mitigation measures are provided in Section 4.2 of the NIS. The NIS concludes that best practise environmental control measures and mitigation measures have been identified to minimize the risk of potential run-off of contaminants from the construction site to the receiving environment such that there will be no risk of adverse effects on qualifying features of Natura 2000 sites within the projects ZoI, and the proposed development will not adversely affect the integrity of Natura 2000 Sites, and there is no reasonable scientific doubt in relation to this conclusion.

10.11.4. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions and identifies the potential impacts. In relation to the use of best scientific information and knowledge I note the applicant has referenced the Europeans Sites qualifying interests with reference being made to the conservation objectives for the sites. Sections 11.16 and 11.25 of this Inspectors Report include for an examination of qualifying interests and conservation objectives and Table 1.2 summarises the Appropriate Assessment and site integrity test**.** I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

10.12. Consultations and Submissions

10.12.1. I note that no observation or submission has been received from any prescribed body or third party that relates to impacts on a European site.

10.13. Appropriate Assessment Stage 2

10.13.1. The following is an objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

10.14. Slaney River Valley SAC (000781)

10.14.1. Description of Site

10.14.2. This site comprises the freshwater stretches of the River Slaney as far as the Wicklow Mountains; a number of tributaries, the larger of which include the Bann, Boro, Glasha, Clody, Derry, Derreen, Douglas and Carrigower Rivers; the estuary at Ferrycarrig; and Wexford Harbour. The site flows through the Counties of Wicklow, Wexford and Carlow. Towns along the site but not within it include Baltinglass, Hacketstown, Tinahely, Tullow, Bunclody, Camolin, Enniscorthy and Wexford. The river is up to 100 m wide in places and is tidal at the southern end from Edermine Bridge below Enniscorthy. In the upper and central regions almost as far as the confluence with the Derry River the geology consists of granite. Above Kilcarry Bridge, the Slaney has cut a gorge into the granite plain. The Derry and Bann Rivers are bounded by a narrow line of uplands which corresponds to schist outcrops. Where these tributaries cut through this belt of hard rocks they have carved deep gorges, more than two miles long at Tinahely and Shillelagh. South of Kildavin the Slaney flows through an area of Ordovician slates and grits.

10.15. Slaney River Valley SAC (000781) Conservation Objectives

10.15.1. The conservation objectives are set out in the Conservation Objectives for **Slaney River Valley SAC (000781)** document published by the Department of Arts, Heritage and the Gaeltacht. The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. For the QI which includes habitats and species, the conservation objective is to maintain or restore the favourable conservation condition.

10.16. Slaney River Valley SAC (000781) - Potential Impacts

10.16.1. Having regard to the development proposals, I consider that the main aspects of the proposed development which could affect the conservation objectives of the European site arises from:

- Loss/degradation of habitats
- Impairment of water quality/surface water pollution during construction through release of suspended solids/silt/hydrocarbons
- Disturbance /displacement to species due to construction and operation

10.16.2. *Loss/degradation of habitats:* The site is located a distance of over 0.2 km from the SAC (c.0.8km hydrological connection) and I consider there will be no direct loss of habitat given the location of the proposed development. The NIS outlines that silt/pollutants could enter the watercourses (in particular by way of overland flow) during the construction of the proposed development which are hydrologically connected to the SAC, and such effects can result in indirect habitat loss or deterioration. Mitigation measures are set out to ensure there will be no adverse effects to watercourses. These include for general measures including storage controls, refuelling measures, fuel spillage control, concrete pouring to be carried out in dry weather only; and measures which aim to minimise and prevent surface water run off pollution include the erection of silt fencing along drainage ditches and watercourses, use of buffer zones, water from dewatering being treated prior to discharge, restrictions on stockpiling height, stockpiling locations being separated from drains, and these are referenced at sections 11.17. I consider this would be an indirect impact of the proposed development. Having regard to the separation distance to the SAC (0.2km over land, c.0.8km hydrological connection), I consider that the effects of dilution and dispersion would serve to reduce this potential indirect effect on the SAC QI habitats.

10.16.3. *Impairment of water quality/surface water pollution:* The NIS outlines a hydrological connection was identified between the proposed development site and the SAC. It is therefore considered in the NIS there is a potential for receiving waters within the SAC to be impacted as a result of surface water pollution such as siltation /nutrient release/contaminants during the construction phase of the proposed development. This could potentially impact on protected habitats and species within the SAC and I

consider this could lead to a degradation of habitat and with resultant impacts decreasing food availability for SCI.

10.16.4. I note that the QI for the Slaney River Valley SAC (000781) are referenced in the NIS. I have examined the Slaney River Valley SAC (000781) conservation objective document through the NPWS website for the SCI, which includes for protected habitats and protected species. In the event of pollution run off to local watercourses, there is a potential for negative impacts to arise on a range of QI species including Freshwater Pearl Mussel, Salmon, Lamprey. In addition, In the event of pollution run off there is a potential for water quality to affect foraging of otter species. I consider this would be an indirect impact of the proposed development. It is therefore accepted that mitigation would be required to control emissions to water. Having regard to the separation distance to the SAC (0.2 km over land, c.0.8km hydrological connection) and the receiving waters, I consider that the effects of dilution and dispersion would serve to reduce this potential indirect impact.

10.16.5. *Disturbance /displacement to species:* In relation to disturbance and displacement of species, the AA screening report outlines otter activity has been recorded in previous surveys of Tincurry Solar Farm and there is the potential for the species to utilise the watercourses within and in proximity to the proposed development site. It is outlined the proposed construction phase has the potential to cause disturbance to otter species through noise. The Screening Report outlines however the proposed landscaping plan for the proposed development (as previously permitted in reg. ref.20221309) includes riparian planting to fill any gaps in hedgerow along the river and provides enhanced screening between the substation development area and riparian zone, and no ex-situ impacts on otters from the SAC are therefore considered likely as a result of the proposed development. It is outlined otters are primarily nocturnal and are more likely to be active during times when noise and construction levels at the development site are low, with research also indicating otters can be tolerant of human related disturbance. The screening report outlines no significant impacts on otters in terms of disturbance at construction stage are considered to be of concern. The AA screening report outlines no significant ex-situ disturbance and displacement effects on QI fauna of Natura 2000 Sites are in question during the operational stage with access restricted by a fence and the substation not being typically lit at night.

10.16.6. I note an indirect physical pathway exists via a mobile specie (otter) of the SAC. However having regard to the temporary nature of the works, the details presented in the Screening Report and NIS in relation to the site, including the provision of enhanced screening between the substation development area and riparian zone, I consider there is no real likelihood of any significant effects to arise on SCI by way of indirect noise/visual disturbance during the construction phase. Furthermore, having regard to the nature of the scheme, I consider there is no real likelihood of any significant effects to arise on SCI by way of indirect noise/visual disturbance during the operational phase.

10.16.7. In conclusion, I therefore consider there is a potential for indirect effects to occur on SCI species and on habitats by way of impacts on water quality only. I consider there is no real likelihood of any significant effects to arise on SCI species by way of indirect noise/visual disturbance. I also consider there will be no direct loss of habitat.

10.17. **Slaney River Valley SAC (000781) – Mitigation measures**

10.17.1. Mitigation measures to be employed during the construction phase are set out in section 4.2 of the applicant's NIS. Mitigation measures are set out for general construction, for surface water run off at construction phase, for soil, fauna, aquatic species and hydrologically connected designated sites, and these include for the following:

10.17.2. General: All plant, machinery and equipment will be stored within the temporary construction compound to be located within the solar farm; Materials, plant and equipment shall be stored in the proposed site compounds; All hazardous liquid materials shall be stored in a bunded area and spill containment measures will be in place; Re-fuelling of machinery, plant or equipment will be carried out in the site compounds; Fuel pipes on plant will be regularly checked and maintained; Any pouring of concrete will only be carried out in dry weather; use of spill kits, interceptor drip trays; maintenance of plant and site vehicles.

10.17.3. Surface-Water Run-Off Construction Phase: Buffer of 5 metres to be maintained from field drains, buffer of 10 metres to be maintained from watercourses (apart from some access tracks, cabling and drain/watercourse crossings); A barrier of silt fencing will be established at this boundary in advance of any works commencing. No works will take place within this zone with exception of localised areas where access,

crossing or cable trenching is required; If dewatering is required, water is to be treated prior to discharge; employ best practice settling systems to ensure maximum removal of suspended solids prior to discharge of any surface water or groundwater from excavations to receiving waterbodies, this may include treatment via settlement tanks; An emergency-operating plan to be established.

10.17.4. Soil: Excavated material will be temporarily stockpiled onsite for re-use during reinstatement; Stockpiles will be restricted to less than 2m in height; No stockpiles will be located within 10m of drains; Excavated material shall be used to backfill the trench; Any earthen (sod) banks to be excavated will be carefully opened with the surface sods being stored separately and maintained for use during reinstatement.

10.17.5. Fauna (Otter): All excavations/trenches covered at night/escape board provided; in event fauna found using the site for breeding/roosting during construction phase, works will cease until advice sought from ecologist; excavations open overnight will be inspected; fence around substation will be mammal proof.

10.17.6. Aquatic Species and Hydrologically Connected Designated Sites: Mitigation to include design of Surface Water Management System, with integrated silt management and flow attenuation management, which will mimic the natural drainage patterns of the site and accord with the best management practices of SuDS. This includes a compound construction formed with permeable stone and surface water generated in the bunded areas will discharge to the existing drainage via a Class 1 Full Retention Oil Separator.

10.17.7. Furthermore, best practice design and construction mitigation measures are set out in Section 7 of the Construction Methodology which is referenced in the NIS. These include mitigation measures for general works, water quality, soils, ecology, noise, air quality and waste management, and relate to the full extent of the overall devleopment including grid connections phases 1 and 2.

10.17.8. The NIS outlines with implementation of control measures and mitigation measures (including those in the Construction Method Statement) the proposed development will not adversely affect the integrity of a Natura 2000 Site. I agree with this viewpoint.

10.17.9. I consider that the proposed mitigation measures are appropriate and have a high degree of likely success. The proposed development is a routine construction project, and these are standard and well-proven mitigation measures.

10.18. Slaney River Valley SAC (000781) – Potential in-combination effects

10.18.1. The NIS outlines there is limited potential for in-combination effects to arise. On review of the Wexford Planning Register Portal there are a number solar farm developments permitted in the vicinity of the site. It is outlined in the NIS these projects did not give rise to any concerns in relation to likely significant effects on Natura 2000 Sites, either alone or in combination with other plans and projects. It is further outlined that Tincurry Solar Farm reg. ref. 20221309 was subject to AA.

10.18.2. Having reviewed the details submitted in the Screening Report and NIS, the Wexford County Council website and the Department of Housing, Local Government and Heritages EIA map portal, I do not consider there are any in-combination effects on the Slaney River Valley SAC that arises from these or other projects. It is noted that Tincurry Solar Farm reg. ref. 20221309 and Ballylough Solar Farm reg. ref. 20231025 were subject to Appropriate Assessment (Stage 2). ABP 316163-23 & P.A reg. ref. 20230009 includes for a pending solar farm application, with ABP 306909-20 including a substitute consent application for electricity grid connection elements for wind farms, and these may only be consented if adverse effects on the integrity of European Site(s) can be objectively ruled out during the AA process. I note the proposed development is intended to connect into the Lodgewood 220/110kV Substation by means of 2 grid connection phases. The subject application includes the first phase of the underground 110kV cable grid connection to the existing 220kV/110kV Lodgewood Substation, with permission being sought for c.10 metres of the cable grid connection. The total underground cable grid connection is c.273 metres in length, with the second phase of the grid connection being c.263 metres in length, and is subject to an agreement with EirGrid/ESBN at grid connection offer stage. This second phase grid connection would be by way of underground cable and a separate consent procedure. In the event of permission for the subject development and any phase 2 grid connection development, it is likely that works would be carried out in tandem. I note this grid project phase 2 would be subject to the provisions of the Habitats Directive and Birds Directive and may only be consented if adverse effects on the integrity of the European Site(s) can be objectively ruled out during the AA process. Furthermore, I consider subject to the implementation of mitigation measures during construction no significant effects on

the qualifying interests of the SAC would arise. Therefore there is no potential for in-combination effects to arise in this regard.

10.18.3. Having regard to the foregoing, I am satisfied that no plans or projects are considered to give rise to potential for adverse effects on the European Site in combination with the proposed development. Having regard to the online resources referred to and the limited nature and scale of the proposed development, I concur that the proposed development would not be likely to have any in-combination effects together with any other project.

10.19. **Slaney River Valley SAC (000781) – Residual effects /further analysis**

10.19.1. In consideration of the outlined mitigation measures, I am satisfied that no residual impact is anticipated.

10.20. **Slaney River Valley SAC (000781) – NIS omissions**

10.20.1. There are no omissions noted. I consider that a robust Stage 2 AA can be and has been carried out based on the NPWS data and the information contained within the submitted NIS.

10.21. **Slaney River Valley SAC (000781) – Suggested related conditions**

10.21.1. Given the relatively limited nature and scale of the proposed development, I do not consider any specific related conditions are necessary in addition to the mitigation measures proposed.

10.22. **Slaney River Valley SAC (000781) – Conclusion**

10.22.1. Following the implementation of mitigation, I am able to ascertain with confidence that the construction and operation of the proposed development would not adversely affect the integrity of Slaney River Valley SAC (000781) in light of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.

10.22.2. Having regard to the foregoing, I consider that it is reasonable to conclude on the basis of the information on the file, and other available information, which I consider

adequate in order to carry out a Stage 2 AA, that the proposed development, individually or in combination with other plans and projects, would not adversely affect the integrity of the Slaney River Valley SAC European site no.000781, in view of the sites' conservation objectives, subject to the implementation of mitigation measures outlined above. In my view, the mitigation measures are appropriate to the risks identified and would, if implemented correctly, be sufficient to avoid any adverse effect on site integrity.

10.23. **Wexford Harbour and Slobs SPA (004076)**

10.23.1. Description of Site

10.23.2. Wexford Harbour is the lowermost part of the estuary of the River Slaney, a major river that drains much of the south-east region. The site is divided between the natural estuarine habitats of Wexford Harbour, the reclaimed polders known as the North and South 'Slobs', and the tidal section of the River Slaney. The seaward boundary extends from the Rosslare peninsula in the south to the area just west of The Raven Point in the north. Shallow marine water is a principal habitat, but at low tide extensive areas of intertidal flats are exposed. Salt marshes fringe the intertidal flats. The Slobs are two flat areas of farmland, mainly arable and pasture grassland, empoldered behind 19th century seawalls. The lands are drained by a network of channels which flow into two central channels, in parts several hundred metres in width. Water from the channels is pumped into the sea with electric pumps. The channels often support swamp vegetation. The river section of the site is extensive, extending to Enniscorthy, a distance of almost 20 km from Wexford town. It is noticeably tidal as far as Edermine Bridge but with tidal influence right up to Enniscorthy.

10.24. **Wexford Harbour and Slobs SPA (004076) Conservation Objectives**

10.24.1. The conservation objectives are set out in the Conservation Objectives for **Wexford Harbour and Slobs SPA (004076)** document published by the Department of Arts, Heritage and the Gaeltacht. The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. For the QI which includes wetland habitat and bird species, the conservation objective is to maintain the favourable conservation condition.

10.25. **Wexford Harbour and Slobs SPA (004076) Conservation Objectives - Potential Impacts**

10.25.1. Having regard to the development proposals, I consider that the main aspects of the proposed development which could affect the conservation objectives of the European site arises from:

- Loss/degradation of habitats
- Impairment of water quality/surface water pollution during construction through release of suspended solids/silt/hydrocarbons
- Disturbance /displacement to species due to construction and operation

10.25.2. *Loss/degradation of habitats:* The site is located a distance of c.8.8km from the SPA (c.12.3km hydrological connection) and I consider there will be no direct loss of habitat given the location of the proposed development. The NIS outlines that silt/pollutants could enter the watercourses (in particular by way of overland flow) during the construction of the proposed development which are hydrologically connected to the SPA, and such effects can result in indirect habitat loss or deterioration. Mitigation measures are set out to ensure there will be no adverse effects to watercourses. These include for general measures including storage controls, refuelling measures, fuel spillage control, concrete pouring to be carried out in dry weather only; and measures which aim to minimise and prevent surface water run off pollution include the erection of silt fencing along drainage ditches and watercourses, use of buffer zones, water from dewatering being treated prior to discharge, restrictions on stockpiling height, stockpiling locations being separated from drains, and these are referenced at section 11.26. I consider this would be an indirect impact of the proposed development. Having regard to the separation distance to the SPA (8.8km over land, c.12.3km hydrological connection), I consider that the effects of dilution and dispersion would serve to reduce this potential indirect effect on the Wetlands and Waterbirds Habitat.

10.25.3. *Impairment of water quality/surface water pollution:* The NIS outlines a hydrological connection was identified between the proposed development site and the SPA. It is therefore considered in the NIS there is a potential for receiving waters within the

SPA to be impacted as a result of surface water pollution such as siltation /nutrient release/contaminants during the construction phase of the proposed development. This could potentially impact on protected habitats and species within the SPA and I consider this could lead to a degradation of habitat and with resultant impacts decreasing food availability for SCI.

10.25.4. I note that the QI for the Wexford Harbour and Slobs SPA (004076) are referenced in the NIS. I have examined the Wexford Harbour and Slobs SPA (004076) conservation objective document through the NPWS website for the SCI species, which includes for protected bird species. I have also examined 'S.I No. 194/2012 European Communities (Conservation of Wild Birds (Wexford Harbour and Slobs Special Protection Area 004076)) Regulations 2012. The conservation objectives supporting document details the diet of 3 SCI species, including Red-breasted Merganser, Coot and Cormorant is/includes fish. In the event of pollution run off to local watercourses, prey species could be negatively impacted in the SPA. Given the potential for water quality to affect foraging of 3 SCI species, I consider this would be an indirect impact of the proposed development. It is therefore accepted that mitigation would be required to control emissions to water. Having regard to the separation distance to the SPA (hydrological linkage 12.3 km) and the receiving waters, I consider that the effects of dilution and dispersion would serve to reduce this potential indirect impact.

10.25.5. *Disturbance /displacement to species:* In relation to disturbance and displacement of species, the AA screening report outlines given the nature of the habitats present at the proposed site and the distance from the SPA it is unlikely that the SCI species occur at the site in any significant numbers with any regularity. It is outlined given the watercourses in the area it is likely some individuals of these species may occur locally occasionally, however there is no likelihood of significant direct disturbance impacts on these bird species during construction. The screening report outlines no significant ex-situ disturbance and displacement effects on SCI of the SPA are in question during the operational stage. The site will be fenced and there will be no feeding resource present in the immediate area, and the substation will not typically be lit at night.

10.25.6. I note an indirect physical pathway exists via mobile species of the SPA. However having regard to the temporary nature of the works, the details presented in the

Screening Report and NIS in relation to the site, its separation distance to the SPA and habitats, I consider there is no real likelihood of any significant effects to arise on SCI by way of indirect noise/visual disturbance during the construction phase. Furthermore, have regard to the nature of the scheme, I consider there is no real likelihood of any significant effects to arise on SCI by way of indirect noise/visual disturbance during the operational phase.

10.25.7. In conclusion, I therefore consider there is a potential for indirect effects to occur on SCI species and on habitats by way of impacts on water quality only. I consider there is no real likelihood of any significant effects to arise on SCI species by way of indirect noise/visual disturbance. I also consider there will be no direct loss of habitat.

10.26. **Wexford Harbour and Slobs SPA (004076) – Mitigation measures**

10.26.1. Mitigation measures to be employed during the construction phase are set out in section 4.2 of the applicant's NIS. Mitigation measures are set out for general construction, for surface water run off at construction phase, for soil, fauna, aquatic species and hydrologically connected designated sites, and these include the measures as set out in Section 11.17 of this report. Furthermore, best practice design and construction mitigation measures are set out in Section 7 of the Construction Methodology which is referenced in the NIS. These include mitigation measures for general works, water quality, soils, ecology, noise, air quality and waste management, and relate to the full extent of the overall devleopment including grid connections phases 1 and 2.

10.26.2. The NIS outlines with the implementation of control measures and mitigation measures (including those in the Construction Method Statement) the proposed development will not adversely affect the integrity of a Natura 2000 Site. I agree with this viewpoint.

10.26.3. I consider that the proposed mitigation measures are appropriate and have a high degree of likely success. The proposed development is a routine construction project, and these are standard and well-proven mitigation measures.

10.27. **Wexford Harbour and Slobs SPA (004076) – Potential in-combination effects**

10.27.1. The NIS outlines there is limited potential for in-combination effects to arise. On review of the Wexford Planning Register Portal there are a number solar farm

developments permitted in the vicinity of the site. It is outlined in the NIS these projects did not give rise to any concerns in relation to likely significant effects on Natura 2000 Sites, either alone or in combination with other plans and projects. It is further outlined that Tincurry Solar Farm reg. ref. 20221309 was subject to AA.

10.27.2. Having reviewed the details submitted in the Screening Report and NIS, the Wexford County Council website and the Department of Housing, Local Government and Heritages EIA map portal, I do not consider there are any in-combination effects on the Wexford Harbour and Slobs SPA that arises from these or other projects. It is noted that Tincurry Solar Farm reg. ref. 20221309 and Ballylough Solar Farm reg. ref. 20231025 were subject to Appropriate Assessment (Stage 2). ABP 316163-23 & P.A reg. ref. 20230009 includes for a pending solar farm application, with ABP 306909-20 including a substitute consent application for electricity grid connection elements for wind farms, and these may only be consented if adverse effects on the integrity of European Site(s) can be objectively ruled out during the AA process. I note the proposed development is intended to connect into the Lodgewood 220/110kV Substation by means of 2 grid connection phases. The subject application includes the first phase of the underground 110kV cable grid connection to the existing 220kV/110kV Lodgewood Substation, with permission being sought for c.10 metres of the cable grid connection. The total underground cable grid connection is c.273 metres in length, with the second phase of the grid connection being c.263 metres in length, and is subject to an agreement with EirGrid/ESBN at grid connection offer stage. This second phase grid connection would be by way of underground cable and a separate consent procedure. In the event of permission for the subject development and any phase 2 grid connection development, it is likely that works would be carried out in tandem. I note this grid project phase 2 would be subject to the provisions of the Habitats Directive and Birds Directive and may only be consented if adverse effects on the integrity of the European Site(s) can be objectively ruled out during the AA process. Furthermore, I consider subject to the implementation of mitigation measures during construction no significant effects on the qualifying interests of the SPA would arise. Therefore there is no potential for in-combination effects to arise in this regard.

10.27.3. Having regard to the foregoing, I am satisfied that no plans or projects are considered to give rise to potential for adverse effects on the European Site in

combination with the proposed development. Having regard to the online resources referred to and the limited nature and scale of the proposed development, I concur that the proposed development would not be likely to have any in-combination effects together with any other project.

10.28. **Wexford Harbour and Slobs SPA (004076) – Residual effects /further analysis**

10.28.1. In consideration of the outlined mitigation measures, I am satisfied that no residual impact is anticipated.

10.29. **Wexford Harbour and Slobs SPA (004076) – NIS omissions**

10.29.1. There are no omissions noted. I consider that a robust Stage 2 AA can be and has been carried out based on the NPWS data and the information contained within the submitted NIS.

10.30. **Wexford Harbour and Slobs SPA (004076) – Suggested related conditions**

10.30.1. Given the relatively limited nature and scale of the proposed development, I do not consider any specific related conditions are necessary in addition to the mitigation measures proposed.

10.31. **Wexford Harbour and Slobs SPA (004076) – Conclusion**

10.31.1. Following the implementation of mitigation, I am able to ascertain with confidence that the construction and operation of the proposed development would not adversely affect the integrity of Wexford Harbour and Slobs SPA (004076) in light of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.

10.31.2. Having regard to the foregoing, I consider that it is reasonable to conclude on the basis of the information on the file, and other available information, which I consider adequate in order to carry out a Stage 2 AA, that the proposed development, individually or in combination with other plans and projects, would not adversely affect the integrity of the Wexford Harbour and Slobs SPA European Site no.004076, in view of the sites' conservation objectives, subject to the implementation of

mitigation measures outlined above. In my view, the mitigation measures are appropriate to the risks identified and would, if implemented correctly, be sufficient to avoid any adverse effect on site integrity.

Table 1.2 Summary of Appropriate Assessment of implications of the proposed development on the integrity of European Site alone and in combination with other plans and projects in view of the sites' Conservation Objectives.

Appropriate Assessment					
Slaney River Valley SAC (000781)- Summary of Key issues that could give rise to adverse effects: o Impairment of water quality/surface water pollution during construction through release of suspended solids/silt/hydrocarbons o Loss/degradation of habitats o Disturbance /displacement to species due to construction and operation					
Qualifying Interest feature	**Conservation Objectives Targets and attributes**	**Potential adverse effects**	**Mitigation measures**	**In-combination effects**	**Can adverse effects on integrity be excluded?**
Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows	To maintain or restore the favourable conservation condition of habitats in the Slaney River Valley SAC	Yes, according to NIS there is a potential for receiving waters to be impacted as a result of surface water pollution such as silt/nutrient release /contaminants during the construction phase. This could potentially impact on protected habitats within the SAC	Yes, including storage controls, refuelling measures, fuel spillage control, concrete pouring measures; surface	None	Yes

(Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]			water run off control measures include erection of silt fencing, use of buffer zones, dewatering measures, stockpiling measures		
Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Phoca vitulina (Harbour Seal) [1365]	To maintain or restore the favourable conservation condition of species in the Slaney River Valley SAC	Yes, according to NIS there is a potential for receiving waters to be impacted as a result of surface water pollution such as silt/nutrient release /contaminants during the construction phase. This could potentially impact on SCI species by way of water quality, food availability, foraging. Potential adverse effects by way of disturbance /displacement – None.	Yes, Water quality measures as set out	None	Yes

Appropriate Assessment					
Wexford Harbour and Slobs SPA (004076) - Summary of Key issues that could give rise to adverse effects: o Impairment of water quality/surface water pollution during construction through release of suspended solids/silt/hydrocarbons o Loss/degradation of habitats o Disturbance /displacement to species due to construction and operation					
Qualifying Interest feature	**Conservation Objectives Targets and attributes**	**Potential adverse effects**	**Mitigation measures**	**In-combination effects**	**Can adverse effects on integrity be excluded?**
Wetland and Waterbirds [A999]	To maintain the favourable conservation condition of the wetland habitat in Wexford Harbour and Slobs SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.	Yes, according to NIS there is a potential for receiving waters to be impacted as a result of surface water pollution such as silt/nutrient release /contaminants during the construction phase. This could potentially impact on protected habitats within the SPA	Yes, including storage controls, refuelling measures, fuel spillage control, concrete pouring measures; surface water run off control measures include erection of silt fencing, use of buffer zones, dewatering measures, stockpiling measures	None	Yes

Little Grebe (Tachybaptus ruficollis) [A004] Great Crested Grebe (Podiceps cristatus) [A005] Cormorant (Phalacrocorax carbo) [A017] Grey Heron (Ardea cinerea) [A028] Bewick's Swan (Cygnus columbianus bewickii) [A037] Whooper Swan (Cygnus cygnus) [A038] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Wigeon (Anas penelope) [A050] Teal (Anas crecca) [A052] Mallard (Anas platyrhynchos) [A053] Pintail (Anas acuta) [A054] Scaup (Aythya marila) [A062] Goldeneye (Bucephala clangula) [A067] Red-breasted Merganser (Mergus serrator) [A069] Hen Harrier (Circus cyaneus) [A082]	To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA	Yes, according to NIS there is a potential for receiving waters to be impacted as a result of surface water pollution such as silt/nutrient release /contaminants during the construction phase. This could potentially impact on SCI species by way of adverse impacts on food availability, foraging. Potential adverse effects by way of disturbance /displacement – None.	Yes, including storage controls, refuelling measures, fuel spillage control, concrete pouring measures; surface water run off control measures include erection of silt fencing, use of buffer zones, dewatering measures, stockpiling measures	None	Yes

Coot (Fulica atra) [A125] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Lapwing (Vanellus vanellus) [A142] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Black-headed Gull (Chroicocephalus ridibundus) [A179] Lesser Black-backed Gull (Larus fuscus) [A183] Little Tern (Sterna albifrons) [A195]					

Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]					

Overall conclusion: Integrity test: Slaney River Valley SAC (000781)

Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of Slaney River Valley SAC in view of the site's conservation objectives.

No reasonable scientific doubt remains as to the absence of such effects.

Overall conclusion: Integrity test: Wexford Harbour and Slobs SPA (004076)

Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of Wexford Harbour and Slobs SPA in view of the site's conservation objectives.

No reasonable scientific doubt remains as to the absence of such effects.

11.0 **Recommendation**

I recommend that planning permission should be granted for the proposed development for the reasons and considerations set out below, and subject to the attached conditions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives)
- National Planning Framework - Ireland 2040
- Climate Action Plan, 2023
- Regional Spatial and Economic Strategy for the Southern Region
- The policies and objectives of the Wexford County Development Plan 2022-2028
- The nature, scale and design of the proposed development and the pattern of development in the vicinity of the site, including permitted solar farm developments
- The information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- the submissions received in relation to the proposed development, and
- the report and recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to the appropriate assessment and environmental impact assessment screening.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with European, National and regional renewable energy policies and with the provisions of the Wexford County Development Plan 2022-2028, would not seriously injure the visual or residential amenities of the area or have an unacceptable impact on the character of the

landscape or on cultural or archaeological heritage, would not significantly adversely affect biodiversity in the area, would be acceptable in terms of traffic safety and would make a positive contribution towards Ireland's renewable energy and security of energy supply requirements. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment - Stage 1

The Board considered the Screening Report for Appropriate Assessment and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale, and location of the proposed development, as well as the report of the Inspector. The Board agreed with and adopted the screening assessment and conclusion carried out in the inspector's report that the Slaney River Valley SAC (site code 000781), and the Wexford Harbour and Slobs SPA (site code 004076) are the European sites for which there is a likelihood of significant effects. The Board concluded that, having regard to the qualifying interests for which the site was designated and in the absence of viable connections to, and distance between the application site and the European Sites, the Blackstairs Mountains SAC (site code 000770), River Barrow and River Nore SAC (site code 002162), and The Raven SPA (004019) could be screened out from further consideration and that the proposed development, individually or in combination with other plans and projects would not be likely to have significant effects on these European Sites or any other European Sites in view of the sites conservation objectives and that the Stage 2 appropriate assessment is therefore not required in relation to these European Sites.

Appropriate Assessment - Stage 2

The Board considered the Natura Impact Statement and carried out an appropriate assessment of the implications of the proposal for the Slaney River Valley SAC (site code 000781), and the Wexford Harbour and Slobs SPA (site code 004076), in view of the Sites Conservation Objectives. The Board considered that the information

before it was adequate to allow the carrying out of an appropriate assessment as well as the report of the Inspector.

In completing the assessment, the Board considered the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans and projects, the mitigation measures which are included as part of the current proposal and the Conservation Objectives for these European Sites. In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspectors report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the Conservation Objectives. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the Slaney River Valley SAC (site code 000781), and the Wexford Harbour and Slobs SPA (site code 004076) or any other European Site in view of the sites' Conservation Objectives.

12.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out in accordance with the agreed particulars.

   Reason: In the interest of clarity and the proper planning and sustainable development of the area.

2. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.

Reason: Having regard to the nature of the proposed development, the Board considered it reasonable and appropriate to specify a period of the permission in excess of 5 years.

3. All of the environmental, construction, ecological related mitigation measures, as set out in the Ecological Impact Assessment, the Natura Impact Statement, Construction Methodology, and other particulars submitted with the application, shall be implemented by the developer in conjunction with the timelines set out therein except as may otherwise be required to comply with the conditions of this Order.

   Reason: In the interests of clarity and of the protection of the environment during the construction and operational phases of the development.

4. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate all mitigation measures set out in the application documentation and provide details of intended construction practice for the development, including:

   (a) Location of site and material compound (s) including areas (s) identified for the storage of construction refuse, site offices, construction parking and staff facilities, re-fuelling arrangements, security fencing and hoardings;

   (b) a comprehensive construction phase traffic management plan including details of the timing and routing of construction traffic to and from the

construction site and associated signage, to include proposals to facilitate the delivery of abnormal loads to the site;

(c) measures to prevent the spillage or deposit of clay, rubble, or other debris on the public road network

(d) details of appropriate mitigation measures for noise and dust, and monitoring of such levels

(e) containment of all construction related fuel and oil within specifically constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater;

(f) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(g) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses;

(h) an audit list of all construction and operational mitigation measures, their timelines for implementation and responsibility for reporting.

(i) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of environmental protection, amenities, public health, and safety.

5. This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.

Reason: In the interest of clarity.

6. (1) The applicant is required to employ a suitability qualified archaeologist to monitor all ground disturbance required for this development.

   (2) Should archaeological material be found during the course of the archaeological monitoring, the archaeologist shall have work on site stopped pending a decision regarding appropriate mitigation. The developer shall be prepared to be advised by the National Monuments Service with regard to any mitigating action (preservation in situ and /or excavation). The developer shall facilitate the archaeologist in recording any material found.

   (3) The National Monuments Service shall be furnished with a final archaeological report describing the results of archaeological monitoring and of any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

   Reason: To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features and other objects of archaeological interest.

7. Noise levels from the substation shall not exceed 55 dB(A) rated sound level (corrected sound level for any tonal or impulsive component) at dwellings between 0800 hours and 2200 hours on any day and shall not exceed 45dB(A) at any other time. Procedures for the purpose of determining

compliance with this limit shall be submitted to and agreed with the planning authority prior to commencement of development.

Reason: To protect the amenities of property in the vicinity.

8. The developer shall appoint a suitably qualified ecologist to monitor and ensure that all avoidance/mitigation measures relating to the protection of flora and fauna are carried out in accordance with best ecological practise.

   Reason: To protect the environmental and natural heritage of the area.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

   Reason: In order to safeguard the amenities of property in the vicinity.

10. Water supply and drainage arrangements, including the disposal of surface water shall comply with the requirements of the planning authority for such works in respect of both the construction and operation phases of the proposed development.

    Reason: In the interest of environmental protection and public health.

11. The site shall be landscaped in accordance with a comprehensive landscaping scheme and the proposals set out in particulars. Prior to commencement of development, details of the landscape scheme shall be

submitted to and agreed with the planning authority. The scheme shall include for the following:

a) A scaled plan of not less than 1:500 detailing the species, variety, number and locations of all proposed planting which shall be of native species only.

b) A timescale for implementation.

Any trees or hedgerow that are removed, die or become seriously damaged or diseased during the operative period of the substation as set out by this permission, shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of visual amenity and biodiversity.

12. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the Planning Authority, to secure the reinstatement of public roads that may be damaged by construction transport coupled with an agreement empowering the Planning Authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the reinstatement of public roads that may be damaged by construction transport.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or

on behalf of the planning authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

David Ryan
Planning Inspector

24th April 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318528-23
Proposed Development Summary	10 year planning permission for the proposed 110kV AIS Single Bay Tail-Fed electricity substation (with 33kV customer compound) and associated grid connection and site works, on a site of 3.73 hectares
Development Address	Tincurry, Ballylough and Crory (Townlands), Co. Wexford

1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	**Yes**	x
	No	

2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?

Yes		Class……	EIA Mandatory EIAR required
No	x		Proceed to Q.3

3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?

		Threshold	**Comment (if relevant)**	**Conclusion**
No				No EIAR or Preliminary Examination required
Yes	x	Class 1 of Part 2 of Schedule 5		Proceed to Q.4

		(a)Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares		

4. Has Schedule 7A information been submitted?		
No		**Preliminary Examination required**
Yes	x	**Screening Determination required**

Inspector: _____ **Date:** _____

Appendix 1 - Form 3

EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference **(318528-23)**		
Development Summary	10 year planning permission for the proposed 110kV AIS Single Bay Tail-Fed electricity substation (with 33kV customer compound) and associated grid connection and site works, at Tincurry, Ballylough and Crory (Townlands), Co. Wexford	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	n/a	
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	A Screening for Appropriate Assessment and a Natura Impact Statement were submitted with the application. An Ecological Impact Assessment was also submitted with the application.
4. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA and AA were undertaken in respect of the Wexford County Development Plan 2022-2028

B. EXAMINATION	Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	There is a clear consistency in the nature and scale of development in the immediate surrounding area, with an existing 220kV and 110kV substation located to the west of the site. The proposed development in a rural area involves a change from existing agricultural landuse to an electrical use to facilitate renewable energy development, and is not regarded as being of a scale or character significantly at odds with the surrounding pattern of development.	No
1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	The proposed development has been designed to logically address the alterations in topography on site, resulting in minimal change in the locality, with standard measures outlined to address potential impacts on surface water in the locality.	No

1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Use of natural resources include land, hedgerow, construction materials. The extent of land use is limited in the context of the rural area. The extent of hedgerow removal (not exceeding 24m in total) is minimal in the context of the rural area. In addition it is noted that the consented Tincurry Solar Farm reg. ref. 20221309 included for this proposed removal of hedgerow which relates to access arrangements and does not relate to the enlargement of fields. No additional loss/loss of hedgerows will arise from the proposed development	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures in a CEMP and Construction Methodology would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Soil cut for the proposed development will be	No

	transported offsite to a licensed facility. Noise and dust emissions during construction are likely and there is a potential for water pollution. Such construction impacts would be local and temporary in nature, and with the implementation of the standard measures in a Construction Environmental Management Plan, and the outlined Construction Methodology, the project would satisfactorily mitigate the potential impacts. Operational impacts are not anticipated to be significant.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Operation of standard measures listed in a Construction Environmental Management Plan, the outlined Construction Methodology will satisfactorily mitigate emissions from spillages during construction and operation. A SuDs approach is proposed for surface water drainage. Surface water from a bunded area will discharge to a soakaway via a Class 1 full retention oil separator. A 5 m3 foul holding tank is proposed in relation to wastewater for the operational development, which will be emptied periodically.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard measures in a Construction Environmental Management Plan and in the	No

	outlined Construction Methodology. Significant effects by way of noise are unlikely to arise during the operational phase. A condition limiting operational noise is outlined.	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Construction activity is likely to give rise to dust, noise emissions. There is the potential for surface water pollution. Such construction impacts would be temporary and localised in nature and the application of standard measures in a Construction Environmental Management Plan, Construction Methodology and CEMPs for solar farms would satisfactorily address potential risks on human health. No significant operational impacts are anticipated.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No significant risk is predicted having regard to the nature and scale of the development. Any risk arising from construction will be localised and temporary in nature.	No
1.10 Will the project affect the social environment (population, employment)	Development of this site at construction stage would have a potential to increase employment. There would be limited employee attendance to occur onsite over the lifetime of the development**.**	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No. It is considered that there is no likelihood of significant cumulative effects having regard to other existing or permitted developments in the area.	No
2. Location of proposed development		

2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	The nearest European sites are listed in Section 10 of this report and other designated sites are referenced in the application AA Screening Report & NIS. The proposed development would not result in significant impacts to any protected sites, including those downstream	No
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?	The proposed development would not result in significant impacts to protected, important or sensitive species	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No evidence of archaeological features on the site	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	The proposed development will include the use of agricultural lands and hedgerows. The extent of land use is limited in the context of the rural area. The extent of hedgerow removal (not exceeding 24m in total) is minimal in the context of the rural area. The development will serve to connect permitted solar farms on adjacent lands to the grid.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	The development will implement surface water control measures and SUDS measures to control surface water run-off at construction and operational stages. The development	No

	would not increase risk of flooding to downstream areas.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	The site is served by regional and national roads. No significant contribution to traffic congestion is anticipated to arise from the proposed development, subject to the application of standard mitigation measures.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	No negative impact is anticipated to any community/sports facilities in the area as a result of the proposal.	No
3. Any other factors that should be considered which could lead to environmental impacts		
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	The Landscape and Visual Impact Assessment submitted with the file has assessed the impacts of the proposed development both individually and cumulatively. No cumulative impacts are expected from the proposed development. A Site Access Report submitted has assessed the impacts of the proposed development cumulatively with other developments. No cumulative impacts are expected from the proposed development with other developments subject to the implementation of traffic measures. An assessment of in-combination effects has been carried out as part of the AA, no likely significant effects of a cumulative nature are expected. No significant cumulative environmental effects are expected from the proposed	No

	development with existing/or approved developments.	
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No
3.3 Are there any other relevant considerations?	No	No

C. CONCLUSION

No real likelihood of significant effects on the environment.	**Agreed – EIAR not required**
Real likelihood of significant effects on the environment.	☐

D. MAIN REASONS AND CONSIDERATIONS

Having regard to

(a)The nature and scale of the proposed development, which is below the threshold in respect of Class 1(a) Agriculture, Silviculture and Aquaculture of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended),

(b) The location of the site within agricultural lands and adjacent to permitted solar farm developments,

(c) The location of the proposed development works outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended),

(d) the guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),

(e) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

(f) the measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the Ecological Impact Assessment, the Natura Impact Statement, Construction Methodology, Archaeological, Architectural and Cultural Heritage Impact Assessment, Site Access Report,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report is not therefore required.

Inspector _____ **Date** _____

Approved (DP/ADP) _____ **Date** _____